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No. 30157

THE PRESIDENCY

No. 707

8 August 2007

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:-

No.8 of 2007: Taxation Laws Amendment Act, 2007.

DIE PRESIDENSIE

No. 707

8 Augustus 2007

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:-

No. 8 van 2007: Wysigingswet op Belastingwette, 2007.

GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 5 August 2007.)

ACT

To amend the Estate Duty Act, 1955, so as to determine the dutiable amount of an estate; to amend the Income Tax Act, 1962, so as to fix the rates of normal tax; to amend certain amounts; to amend certain definitions; to insert certain definitions; to delete certain obsolete provisions; to extend certain time periods; to amend certain rates; to further regulate the taxation of lump sum benefits; to provide for and regulate the deduction of certain amounts from income; to provide that certain amounts may be determined by the Commissioner; to further regulate the withholding of employees' tax and to **effect** certain textual and consequential amendments; to amend the Customs and Excise Act, 1964, so as to amend Schedule 1; to provide for the continuation of certain amendments to the Schedules and to effect certain textual amendments; to amend the Stamp Duties Act, 1968, so as to provide for the exemption from duty of certain leases; to further regulate refunds payable; to reduce a limit on stamp duty payable and to **effect** certain textual and consequential amendments; to amend the Value-Added Tax Act, 1991, so as to amend certain definitions; to further regulate the circumstances in which input tax may be claimed; to further regulate value-added tax exemption on importation of goods and to effect certain textual and consequential amendments; to amend the Tax on Retirement Funds Act, 1996, so as to amend certain definitions; to amend the Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006, so as to treat certain amounts as exempt; to provide that certain amounts may not be deducted; to provide that certain capital gains and capital losses must be disregarded; to provide that no reduced assessments or objections may be made under certain circumstances and to **effect** certain textual and consequential amendments; to amend the Revenue Laws Amendment Act, 2006, so as to insert certain effective dates and to effect certain textual and consequential amendments; to amend the Diamonds Act, 1986, so as to amend the imposition of a levy; to amend the Diamonds Amendment Act, 2005, so as to extend a date and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 5 Augustus 2007.)*

WET

Tot wysiging van die Boedelbelastingwet, 1955, ten einde die belasbare bedrag van 'n boedel te bepaal; tot wysiging van die Inkomstebelastingwet, 1962, ten einde die skale van normale belasting te bepaal; sekere bedrae te wysig; sekere omskrywings te wysig; sekere omskrywings in te voeg; sekere bepalings wat in onbruik verval het te skrap; sekere tydperke te verleng; sekere koerse aan te pas; die belasting op enkelbedragvoordele verder te reguleer; vir die aftrekking van sekere bedrae van inkomste voorsiening te maak en te reguleer; voorsiening te maak dat sekere bedrae deur die Kommissaris bepaal kan word; verder die terughouding van werknemersbelasting te reguleer en sekere teksuele en gevolglike veranderings aan te bring; tot wysiging van die Doeane- en Aksynswet, 1964, ten einde Bylae 1 te wysig; voorsiening te maak vir die voortdurende van sekere wysigings aan die Bylaes en sekere tekstuele wysigings aan te bring; tot wysiging van die Wet op Seelregte, 1968, ten einde vir die vrystelling van seelregte vir sekere huurooreenkomste voorsiening te maak; terugbetalings verder te reguleer; 'n perk op seelregte betaalbaar te beperk en sekere tekstuele en gevolglike wysigings aan te bring; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere woordskrywings te wysig; verder die omstandighede waarin insetbelasting geeis mag word te reguleer; verder vrystelling van belasting op toegevoegde waarde op die invoer van goed te reguleer en sekere tekstuele en gevolglike wysigings aan te bring; tot wysiging van die Wet op Belasting op Aftreefondse, 1996, ten einde sekere woordskrywings te wysig; tot wysiging van die Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006, ten einde sekere bedrae as vrygestel te hanteer; te bepaal dat sekere bedrae nie afgetrek kan word nie; te bepaal dat sekere kapitaalwinste en kapitaalverliese buite rekening gelaat word; te bepaal dat geen verminderde aanslae of beswaar onder sekere omstandighede gemaak kan word nie; sekere tekstuele en gevolglike wysigings aan te bring; tot wysiging van die Wysigingwet op Inkomstewette, 2006, ten einde sekere effektiewe datums in te voeg en sekere tekstuele en gevolglike wysigings aan te bring; tot wysiging van die Wet op Diamante, 1986, ten einde die heffing van 'n heffing te wysig; tot wysiging van die Wysigingswet op Diamante, 2005, ten einde 'n datum uit te stel en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:-

Wysiging van artikel 4A van Wet 45 van 1955, soos ingevoeg deur artikel 6 van Wet 92 van 1971, gewysig deur artikel 3 van Wet 95 van 1978, artikel 5 van Wet 102 van 1979, artikel 12 van Wet 106 van 1980, artikel 4 van Wet 99 van 1981, artikel 6 van

Amendment of section 4A of Act 45 of 1955, as inserted by section 6 of Act 92 of 1971 and amended by section 3 of Act 95 of 1978, section 5 of Act 102 of 1979, section 12 of Act 106 of 1980, section 4 of Act 99 of 1981, section 6 of Act 81 of 1985, section 2 of Act 71 of 1986, section 11 of Act 87 of 1988, section 5 of Act 30 of 2002 and section 17 of Act 9 of 2006

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1. (I) The Estate Duty Act, 1955, is hereby amended by the substitution for section 4A of the following of the following section:

"Dutiable amount of an estate

4A. The dutiable amount of any estate shall be determined by deducting from the net value of the estate, as determined in accordance with section 4, an amount of [R2,5 million] R3,5 million."

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(2) Subsection (I) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of the estate of any person who dies on or after that date.

Fixing of rates of normal tax and amendment of certain amounts for purposes of Act 58 of 1962

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2. (1) The rates of tax fixed by Parliament in terms of section 5(2) of the Income Tax Act, 1962, are set out in paragraphs I, 3.4, 5, 6 and 7 of Appendix I to this Act.

(2) The Income Tax Act, 1962, is hereby amended-

(a) by the substitution for the amounts in section 6(2)(a) and (b) respectively of the amounts in the third column opposite the relevant section in the table in paragraph 2 of Appendix I to this Act; and

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(b) by the substitution for each monetary amount in the provisions specified in the second column of the Tables in Part II of Appendix I to this Act of the monetary amount in the third column opposite the relevant provision.

(3) For the purposes of Appendix I to this Act any word or expression to which a meaning has been assigned in the Income Tax Act, 1962, shall, unless the context indicates otherwise, bear the meaning so assigned.

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(4) The rates of tax fixed in terms of subsection (1) shall apply in respect of the taxable income of-

(a) any person (other than a company) for the year of assessment ending on 29 February 2008; and

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(b) any company for any year of assessment ending during the period of 12 months ending on 31 March 2008.

(5) Subject to subsection (6), subsection (2)(b) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

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(6) Subsection (2)(b), to the extent that it amends the amount in section 10(I)(cN)(ii)(dd)(ii), shall be deemed to have come into operation on 1 April 2007 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 90 of 1972, section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978, section 3 of Act 104 of 1979, section 2 of Act 104 of 1980, section 2 of Act 96 of 1981, section 3 of Act 91 of 1982, section 2 of Act 94 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988, section 1 of Act 99 of 1988, Government Notice No. R780 of 14 April 1989, section 2 of Act 70 of 1989, section 2 of Act 101 of 1990, section 2 of Act 129 of 1991, section 2 of Act 141 of 1992, section 2 of Act 113 of 1993, section 2 of Act 21 of 1994, section 2 of Act 21 of 1995, section 2 of Act 36 of 1996, section 2 of Act 28 of 1997, section 19 of Act 30 of 1998, section 10 of Act 53 of 1999, section 13 of Act 30 of 2000, section 2 of Act 59 of 2000, section 5 of Act 5 of 2001, section 3 of Act 19 of 2000, section 17 of Act 60 of 2001, section 9 of Act 30 of 2002, section 6 of Act 74 of 2002, section 33 of Act 12 of 2003, section 12 of Act 45 of 2003,

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Wet 81 van 1985, artikel 2 van Wet 71 van 1986, artikel 11 van Wet 87 van 1988, artikel 15 van Wet 30 van 2002 en artikel 17 van Wet 9 van 2006

1. (1) Die Boedelbelastingwet, 1955, word hierby gewysig deur artikel 4A deur die volgende artikel te vervang:

"Belasbare bedrag van 'n boedel

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4A. Die belasbare bedrag van 'n boedel word bepaal deur van die netto waarde van die boedel, soos volgens artikel 4 bepaal, 'n bedrag van [R2,5 miljoen] R3,5 miljoen af te trek."

(2) Subartikel (1) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van die boedel van enige persoon wat op of na daardie datum te sterwe kom. 10

Vasstelling van skale van normale belasting ingevolge en wysiging van sekere bedrae vir doeleindes van Wet 58 of 1962

2. (1) Die skale van belasting wat ingevolge artikel 5(2) van die Inkomstebelastingwet, 1962, deur die Parlement vasgestel word, word in paragrawe I, 15
3, 4, 5, 6 en 7 van Aanhangsel I tot hierdie Wet uiteengesit.

(2) Die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur die bedrae in artikel (6)(2)(a) en (b) onderskeidelik deur die bedrae in die derde kolom teenoor die relevante artikel in die tabel in paragraaf 2 van Aanhangsel I tot hierdie Wet te vervang; en 20

(b) deur elke monetere bedrag in die bepalings van die tweede kolom in die Tabel 1 in Deel II van Aanhangsel A tot hierdie Wet deur die monetere bedrag in die derde kolom teenoor dieselfde tersaaklike bepaling te vervang.

(3) Vir doeleindes van Aanhangsel I tot hierdie Wet, tensy uit die samehang anders blyk, dra enige woord of uitdrukking waaraan 'n betekenis in die Inkomstebelastingwet, 1962, geheg is, die betekenis aldus daaraan geheg. 25

(4) Die skale van belasting soos vasgestel ingevolge subartikel (1) is van toepassing op die belasbare inkomste ~~van-~~

(a) enige persoon (behalwe 'n maatskappy) vir die jaar van aanslag eindigende op 29 Februarie 2008; en 30

(b) enige maatskappy vir enige jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 2008.

(5) Behoudens subartikel (6), word subartikel (2)(b) geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem. 35

(6) Subartikel (2)(b), tot die mate wat dit die bedrag in artikel *10(1)(cN)(ii)(dd)(ii)* wysig, word geag in werking te getree het op 1 April 2007 en is van toepassing op enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 40
van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 15 van Wet 55 van 1966, artikel 15 van Wet 95 van 1967, artikel 15 van Wet 76 van 1968, artikel 16 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 45
101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 3 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 50
van 1988, Goewermentskennisgewing Nr. R780 van 14 April 1989, artikel 2 van Wet 70 van 1989, artikel 2 van Wet 101 van 1990, artikel 2 van Wet 129 van 1991, artikel 2 van Wet 141 van 1992, artikel 2 van Wet 113 van 1993, artikel 2 van Wet 21 van 1994, artikel 2 van Wet 21 van 1995, artikel 2 van Wet 36 van 1996, artikel 2 van Wet 28 van 1997, artikel 19 van Wet 30 van 1998, artikel 10 van Wet 53 van 55
1999, artikel 13 van Wet 30 van 2000, artikel 2 van Wet 59 van 2000, artikel 5 van Wet 5 van 2001, artikel 3 van Wet 19 van 2000, artikel 17 van Wet 60 van 2001,

section 3 of Act 16 of 2004, section 3 of Act 32 of 2004, section 3 of Act 32 of 2005, section 19 of Act 9 of 2006 and section 3 of Act 20 of 2006

3. (1) Section 1 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in the definition of "company" for subparagraph (ii) of paragraph (e) of the following subparagraph: 5
 - "(ii) arrangement or scheme carried on outside the Republic in pursuance of which members of the public (as defined in section 1 of the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002)), are invited or permitted to invest in a portfolio of a collective investment scheme, where [two] one or more investors contribute to and hold a participatory interest in a portfolio of the scheme through shares, units or any other form of participatory interest; **or**"; 10
- (b) by the substitution in the definition of "connected person" for subparagraph (i) of paragraph (d) of the following subparagraph: 15
 - "(i) any other company that would be part of the same group of companies as that company [as] if the expression 'at least 70 per cent' in paragraphs (a) and (b) of the definition of 'group of companies' in this section were replaced by the expression 'more than 50 per cent';"; 20
- (e) by the substitution for the definition of "co-operative" of the following definition:
 - " 'co-operative' means [a co-operative as defined] any association of persons registered in terms of section [1] 27 of the Co-operatives Act, 1981 (Act No. 91 of 1981) or section 7 of the Co-operatives Act, 2005 (Act No. 14 of 2005);"; 25
- (d) by the substitution for the definition of "equity share capital" of the following definition:
 - " 'equity share capital' means, in relation to any company, its issued share capital and in relation to a close corporation, its members' interest, 30 excluding any part thereof which, neither as respects dividends nor as respects capital, carries any right to participate beyond a specified amount in a distribution, and the expression 'equity shares' shall be construed accordingly;";
- (e) by the substitution in the definition of "gross income" for the words in paragraph (e) preceding subparagraph (i) of the following words: 35
 - "any retirement fund lump sum benefit and any other amount determined in accordance with the provisions of the Second Schedule (other than any amount included under paragraph (eA) in respect of lump sum benefits received by or accrued to [such] a person from or in consequence of his membership or past membership of-" 40
- (j) by the substitution in the definition of "pension fund" for subparagraph (dd) of paragraph (ii) of the proviso to paragraph (e) of the following subparagraph:
 - "(dd) that not more than one-third of the total value of the annuity or annuities to which any employee becomes entitled, may be commuted for a single payment, except where [the annual amount of such annuity or annuities] two-thirds of the total value does not exceed [RI 800 or such other amount as the Minister of Finance may from time to time fix by notice in the Gazette] R50 000;" 45

artikel9 van Wet 30 van 2002, artikel6 van Wet 74 van 2002, artikel33 van Wet 12 van 2003, artikel 12 van Wet 45 van 2003, artikel 3 van Wet 16 van 2004, artikel 3 van Wet 32 van 2004, artikel 3 van Wet 32 van 2005, artikel19 van Wet 9 van 2006 en artikel 3 van Wet 20 van 2006

3. (1) Artikel I van die Inkomstebelastingwet, 1962, word hierby gewysig- 5
- (a) deur in die omskrywing van "aandeelhoner" paragraaf (a) deur die volgende paragraaf te vervang:
- "(a) met betrekking tot 'n maatskappy bedoel in paragraaf (a), (b)[, (e)] of (d) van die omskrywing van 'maatskappy' in hierdie artikel, die geregistreerde aandeelhouer ten opsigte van 'n aandeel, behalwe dat 10
- wanneer 'n ander persoon as die geregistreerde aandeelhouer geregtig is, hetsy uit hoofde van 'n bepaling van die akte van oprigting of statute van die maatskappy of ingevolge die voorwaardes van 'n ooreenkoms of kontrak of andersins, op die voordeel of 'n deel van die voordeel van die regte om in die winste, 15
- inkomste of kapitaal verbonde aan die aldus geregistreerde aandeel te deel, daardie ander persoon vir sover daardie ander persoon op bedoelde voordeel geregtig is ook geag word 'n aandeelhouer te wees; of";
- (h) deur in die omskrywing van "bruto inkomste" die woorde in paragraaf (e) 20
- wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
- "enige uitreefonds enkelbedragvoordeel en enige [n] ander bedrag vasgestel ooreenkomstig die bepalings van die Tweede Bylae (behalwe 'n bedrag ingevolge paragraaf (eA) ingesluit) ten opsigte van 25
- enkelbedragvoordele ontvang deur of toegeval aan [so] 'n persoon uit of as gevolg van sy [lidmaatskap of gewese lidmaatskap van] onttrekking aan of bedanking uit of die likwidasië van-";
- (c) deur die omskrywing van "ekwiteitsaandelekapitaal" deur die volgende omskrywing te vervang:
- "'ekwiteitsaandelekapitaal', met betrekking tot 'n maatskappy, sy 30
- uitgereikte aandelekapitaal, en met betrekking tot 'n beslote korporasie, sy ledebelang, met uitsluiting van enige gedeelte daarvan wat nog wat dividende betref nog wat kapitaal betref 'n reg verleen om bo 'n vasgestelde bedrag in 'n verdeling te deel, en word die uitdrukking 'ekwiteitsaandele' dien ooreenkomstig uitgele"; 35
- (d) deur die omskrywing van "koöperasie" deur die volgende omskrywing te vervang:
- "'koöperasie' [n 'co-operative' soos in] enige assosiasie van persone geregistreer ingevolge artikel [1] 27 van die Koöperasiewet, 1981 (Wet No 91, van 1981), of artikel 7 van die 'Co-operatives Act, 2005' (Wet No. 40
- 14 van 2005), omskryf";
- (e) deur in die omskrywing van "maatskappy" subparagraaf (ii) van paragraaf (e) deur die volgende subparagraaf te vervang:
- "(ii) reeling of skema buite die Republiek beoefen ingevolge waarvan lede van die publiek (soos omskryf in artikel 1 van die 'Collective 45
- Investment Schemes Control Act, 2002' (Wet No. 45 van 2002), uitgenooi of toegelaat word om in 'n portefeulje van 'n kollektiewe beleggingskema te bele, waar twee of meer beleggers bydra tot en 'n deelnemende belang in die portefeulje van die skema by wyse van aandele, eenhede of enige ander vorm van deelnemende belang, 50
- hou; of";
- (j) deur in die omskrywing van "pensioenfondse" subparagraaf (dd) van paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (e) deur die volgende subparagraaf te vervang:
- "(dd) dat hoogstens een-derde van die totale waarde van die jaargeld of 55
- jaargelde waarop 'n werknemer geregtig word, deur 'n enkele betaling vervang kan word, behalwe waar [die jaarlikse bedrag van sodanige jaargeld of jaargelde R1 800] twee-derdes van die totale waarde nie R50 000 [of 'n ander bedrag wat die Minister van Finansies van tyd tot tyd by kennisgewing in die 60
- Staatskoerant bepaal, nie] te bowe gaan nie:"

- (g) by the substitution in the definition of "retirement annuity fund" for subparagraph (ii) of paragraph (b) of the proviso of the following paragraph:
 "(ii) that not more than one-third of the total value of any annuities to which any person becomes entitled, may be commuted for a single payment, except where [the annual amount of such annuities] two thirds of the total value does not exceed [R1 800 or such other amount as the Minister of Finance may from time to time fix by notice in the *Gazette*] R50 000"; 5
- (11) by the substitution in the definition of "retirement-funding employment" for subparagraph (i) of paragraph (a) of the following subparagraph: 10
 "(i) in the case of such employee, derives in respect of his employment any income constituting remuneration as defined in paragraph 1 of the Fourth Schedule (but leaving out of account the provisions of paragraph (c) of that definition and including the amount of any allowance or advance in respect of transport expenses contemplated in section 8(1)(b), but not an allowance or advance contemplated in section 8(1)(b)(iii) which is based on the actual distance travelled by the recipient, and which is calculated at a rate per kilometre which does not exceed the appropriate rate per kilometre fixed by the Minister of Finance under the said section (8)(1)(b)(iii), and excluding any retirement fund lump sum benefit) and is a member of or, as an employee, contributes to a pension fund or provident fund established for the benefit of employees of the employer from whom such income is derived; or"; 15 20
- (i) by the substitution in the definition of "retirement-funding employment" for the words preceding item (aa) of subparagraph (ii) of paragraph (a) of the following words: 25
 "in the case of such holder of an office, derives in respect of his office any income (other than any retirement fund lump sum benefit) by way of salary, emoluments, fees or other remuneration and is, as respects such office, a member of or contributes to a pension fund or provident fund established-"; 30
- (j) by the insertion after the definition of "retirement-funding employment" of the following definition: 35
 "'retirement fund lump sum benefit' means the amount determined in terms of paragraph 2(a) of the Second Schedule in respect of a year of assessment, after taking into account the provisions of paragraphs 2A, 2B and 2C of that Schedule";
- (k) by the substitution in the definition of "shareholder" for paragraph (a) of the following paragraph: 40
 "(a) in relation to any company referred to in paragraph (a), (b), (c) or (d) of the definition of 'company' in this section, means the registered shareholder in respect of any share, except that where some person other than the registered shareholder is entitled, whether by virtue of any provision in the memorandum or articles of association of the company or under the terms of any agreement or contract, or otherwise, to all or part of the benefit of the rights of participation in the profits, income or capital attaching to the share so registered, that other person shall, to the extent that such other person is entitled to such benefit, also be deemed to be a shareholder; or"; 45 50
- (l) by the substitution in the definition of "special trust" for subparagraph (i) of paragraph (a) of the following subparagraph:
 "(i) any 'mental illness' as defined in section 1 of the [Mental Health Act, 1973 (Act No. 118 of 1973)] Mental Health Care Act, 2002 (Act No. 17 of 2002); or"; and 55
- (m) by the substitution in the definition of "water services provider" for paragraph (b) of the following paragraph:
 "(b) a wholly owned subsidiary or entity of [that] a public entity contemplated in paragraph (a) if [a] the operations of the subsidiary or entity are ancillary or complementary to the operations of that public entity;". 60

- (g) deur in die omskrywing van "spesiale trust" subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:
- "(i) enige 'geestesongesteldheid' soos omskryf in artikkel van die: [Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973)] 'Mental Health Care Act, 2002', (Wet No. 17 van 2002); of"; 5
- (II) deur in die omskrywing van "uittredingannuïteitsfonds" subparagraaf (ii) van paragraaf (b) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
- "(ii) dat hoogstens een-derde van die totale waarde van enige Iyfrentes of jaargelde waarop 'n persoon geregtig word, deur 'n enkele betaling 10 vervang kan word, behalwe waar [die jaarlikse bedrag van sodanige Iyfrentes of jaargelde R1 800] twee-derdes van die totale waarde nie R50 000 [of 'n ander bedrag wat die Minister van Finansies van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, nie] te bowe gaan nie;"; 15
- (i) deur in die omskrywing van "uittredingfunderingsdiens" subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:
- "(i) in die geval van bedoelde werknemer, ten opsigte van sy diens enige inkomste verkry wat besoldiging uitmaak soos omskryf in paragraaf I van die Vicrde Bylae (maar sonder om rekening te hou met die 20 bepalinge van paragraaf (c) van bedoelde omskrywing en insluitend die bedrag van 'n toelae of voorskot ten opsigte van reiskoste beoog in artikeI8(1)(b) maar nie 'n toelae of voorskot beoog in artikel 8(1)(b)(iii), en uitgesluit enige uittreefonds enkelbedrag-voordeel) wat gebaseer is op die werklike afstand wat deur die 25 ontvanger afgele is, en wat vasgestel is teen 'n skaal per kilometer wat nie die toepaslike skaal per kilometer deur die Minister van Finansies ingevolge genoemde artikel 8(1)(b)(iii) bepaal, te bowe gaan nie) en 'n lid is van, of as 'n werknemer bydra tot, 'n pensioenfonds of voorsorgsfonds ingestel ten voordele van 30 werknemers van die werkgever van wie bedoelde inkomste verkry is; of";
- (j) deur in die omskrywing van "uittredingfunderingsdiens" die woorde wat item (aa) van subparagraaf (ii) van paragraaf (a) voorafgaan deur die 35 volgende woorde te vervang:
- "in die geval van bedoelde ampsbekleder, ten opsigte van sy amp enige inkomste (behalwe enige uittreefonds enkelbedragvoordeel) verkry by wyse van salaris, vergoeding, gelde of enige ander besoldiging en, met betrekking tot bedoelde amp, 'n lid is van of bydra tot 'n pensioenfonds of voorsorgsfonds ingestel-" 40
- (k) deur na die omskrywing van "uittredingfunderingsdiens" die volgende omskrywing in te voeg:
- "'uittreefonds enkelbedragvoordeel' die bedrag soos bepaal ingevolge paragraaf 2(a) van die Tweede Bylae ten opsigte van 'n jaar van aanslag, nadat die bepalinge van paragrawe 2A, 2B en 2C van daardie Bylae in ag 45 geneem is;";
- (I) deur in die omskrywing van "**connected** person" in die Engelse teks subparagraaf (i) van paragraaf (d) deur die volgende paragraaf te vervang:
- "(i) any other company that would be part of the same group of companies as that company [as] if the expression 'at least 70 per 50 cent' in paragraphs (a) and (b) of the definition of 'group of companies' in this section were replaced by the expression 'more than 50 per cent';"; en
- (m) deur in die omskrywing van "water services provider" in die Engelse teks paragraaf (b) deur die volgende paragraaf te vervang: 55
- "(b) a wholly owned subsidiary or entity of [that] a public entity as contemplated in paragraph (a) if [a] the operations of the subsidiary or entity are ancillary or complementary to the operations of that public entity;";
- (2) Subartikel (l)(a), (l), (d) en (m) word geag op 1 Januarie 2007 in werking te getree 60 het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

(2) Subsection (1)(b), (c), (k) and (m) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

(3) Subsection (1)(e), (h), (i) and (j) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

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Amendment of section 5 of Act 58 of 1962, as amended by section 2 of Act 6 of 1963, section 5 of Act 90 of 1964, section 6 of Act 88 of 1965, section 7 of Act 55 of 1966, section 6 of Act 95 of 1967, section 6 of Act 76 of 1968, section 7 of Act 89 of 1969, section 7 of Act 52 of 1970, section 7 of Act 52 of 1970, section 5 of Act 88 of 1971, section 5 of Act 90 of 1972, section 5 of Act 65 of 1973, section 5 of Act 103 of 1976, section 5 of Act 113 of 1977, section 3 of Act 104 of 1980, section 4 of Act 96 of 1981, section 4 of Act 91 of 1982, section 3 of Act 94 of 1983, section 3 of Act 121 of 1984, section 3 of Act 90 of 1988, section 3 of Act 129 of 1991, section 5 of Act 21 of 1994, section 4 of Act 21 of 1995, section 7 of Act 5 of 2001, section 5 of Act 19 of 2001 section 10 of Act 30 of 2002, section 15 of Act 45 of 2003 and section 4 of Act 20 of 2006

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4. Section 5 of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution for subsection (2) of the following subsection:

"(2) Subject to the provisions of [subsections (3) to (7) inclusive, and the provisions of] subsection (7) and the Fourth Schedule, the rates of tax chargeable in respect of taxable income shall be fixed annually by Parliament, but the rates fixed by Parliament in respect of any year of assessment or financial year [or, if the rates so fixed have been varied by the Minister of Finance by way of an amendment made under subsection (3), which is still in force, the rates so varied,] shall be deemed to continue in force until the next such determination [or variation] of rates and shall be applied for the purposes of calculating the tax payable in respect of any such taxable income received by or accrued to or in favour of any person during the next succeeding year of assessment or financial year, as the case may be, if in the opinion of the Commissioner the calculation and collection of the tax chargeable in respect of such taxable income cannot without risk of loss or revenue be postponed until after the rates for that year have been determined.";

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(b) by the deletion of subsections (2B), (3), (4), (5) and (6).

Amendment of section 6 of Act 58 of 1962, as amended by section 4 of Act 90 of 1962, section 3 of Act 6 of 1963, section 5 of Act 72 of 1963, section 8 of Act 55 of 1966, section 7 of Act 95 of 1967, section 7 of Act 76 of 1968, section 8 of Act 89 of 1969, section 7 of Act 88 of 1971, section 5 of Act 104 of 1980, section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984, section 3 of Act 96 of 1985, section 4 of Act 85 of 1987, section 4 of Act 90 of 1988, section 4 of Act 70 of 1989, section 3 of Act 101 of 1990, section 4 of Act 129 of 1991, section 4 of Act 141 of 1992, section 5 of Act 21 of 1995, section 4 of Act 36 of 1996, section 3 of Act 28 of 1997, section 22 of Act 30 of 1998, section 5 of Act 32 of 1999, section 15 of Act 30 of 2000, section 6 of Act 19 of 2001, section 11 of Act 30 of 2002, section 35 of Act 12 of 2003, section 6 of Act 16 of 2004, section 3 of Act 9 of 2005, section 7 of Act 31 of 2005 and section 20 of Act 9 of 2006

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5. Section 6 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) There shall be deducted from the normal tax payable by any natural person, other than normal tax in respect of any retirement fund lump sum benefit, an amount equal to the sum of the amounts allowed to the taxpayer by way of rebates under subsection (2)."

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Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972, section 8 of Act 85 of 1974, section 7 of Act 69 of 1975, section 7 of Act 113 of 1977, section 8 of Act 94 of 1983, section 5 of Act 121 of 1984, section 4 of Act 96 of 1985, section 5 of Act 65 of 1986, section 6 of Act 85 of 1987, section 6 of Act 90 of 1988, section 5 of Act, section

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(3) Subartikel (1)(b), (i), (j) en (k) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel ontvang of toegeval op of na daardie datum.

Wysiging van artikel 5 van Wet 58 van 1962, soos gewysig deur artikel 2 van Wet 6 van 1963, artikel 15 van Wet 90 van 1964, artikel 6 van Wet 88 van 1965, artikel 7 van Wet 55 van 1966, artikel 6 van Wet 95 van 1967, artikel 6 van Wet 76 van 1968, artikel 7 van Wet 89 van 1969, artikel 7 van Wet 52 van 1970, artikel 7 van Wet 52 van 1970, artikel 5 van Wet 88 van 1971, artikel 5 van Wet 90 van 1972, artikel 5 van Wet 65 van 1973, artikel 5 van Wet 103 van 1976, artikel 5 van Wet 113 van 1977, artikel 3 van Wet 104 van 1980, artikel 4 van Wet 96 van 1981, artikel 4 van Wet 91 van 1982, artikel 3 van Wet 94 van 1983, artikel 3 van Wet 121 van 1984, artikel 3 van Wet 90 van 1988, artikel 3 van Wet 129 van 1991, artikel 5 van Wet 21 van 1994, artikel 4 van Wet 21 van 1995, artikel 7 van Wet 5 van 2001, artikel 5 van Wet 19 van 2001, artikel 10 van Wet 30 van 2002, artikel 15 van Wet 45 van 2003 en artikel 4 van Wet 20 van 2006

4. Artikel 5 van die Inkomstebelastingwet, 1962, word hierby gewysig--

(a) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Behoudens die bepalinge van [subartikels (3) tot en met subartikel (7), en [die bepalinge van] die Vierde Bylae, word die belastingskale ten opsigte van belasbare inkomste jaarliks deur die Parlement vasgestel, maar word dié skale ten opsigte van enige jaar van aanslag of boekjaar deur die Parlement vasgestel [of, indien die aldus vasgestelde skale verander is deur die Minister van Finansies by wyse van 'n wysiging ingevolge subartikel (3) gemaak wat nog van krag is, die aldus veranderde skale,] geag van krag te bly tot die volgende sodanige vasstelling [of verandering] van belastingskale en word dit toegepas vir die berekening van die belasting betaalbaar ten opsigte van bedoelde belasbare inkomste gedurende die daaropvolgende jaar van aanslag of boekjaar, na gelang van die geval, deur enige persoon ontvang of aan of ten gunste van hom toegeval, indien die berekening en invordering van die belasting ten opsigte van sodanige belasbare inkomste volgens die Kommissaris se oordeel nie sonder gevaar van verlies van inkomste tot na die vasstelling van die skale vir daardie jaar uitgestel kan word nie."; en

(b) deur subartikels (2B), (3), (4), (5) en (6) te skrap.

Wysiging van artikel 6 van Wet 58 van 1962, soos gewysig deur artikel 4 van Wet 90 van 1962, artikel 3 van Wet 6 van 1963, artikel 5 van Wet 72 van 1963, artikel 8 van Wet 55 van 1966, artikel 7 van Wet 95 van 1967, artikel 7 van Wet 76 van 1968, artikel 8 van Wet 89 van 1969, artikel 7 van Wet 88 van 1971, artikel 5 van Wet 104 van 1980, artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984, artikel 3 van Wet 96 van 1985, artikel 4 van Wet 85 van 1987, artikel 4 van Wet 90 van 1988, artikel 4 van Wet 70 van 1989, artikel 3 van Wet 101 van 1990, artikel 4 van Wet 129 van 1991, artikel 4 van Wet 141 van 1992, artikel 5 van Wet 21 van 1995, artikel 4 van Wet 36 van 1996, artikel 3 van Wet 28 van 1997, artikel 22 van Wet 30 van 1998, artikel 5 van Wet 32 van 1999, artikel 15 van Wet 30 van 2000, artikel 6 van Wet 19 van 2001, artikel 11 van Wet 30 van 2002, artikel 35 van Wet 12 van 2003, artikel 6 van Wet 16 van 2004, artikel 3 van Wet 9 van 2005, artikel 7 van Wet 31 van 2005 en artikel 20 van Wet 9 van 2006

5. Artikel 6 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Daar word van normale belasting betaalbaar deur 'n natuurlike persoon, behalwe normale belasting ten aansien van enige uittreifonds enkelbedrag=voordeel, 'n bedrag afgetrek wat gelyk is aan die som van die bedrae wat ingevolge subartikel (2) by wyse van korting aan die belastingpligtige toegelaat word.".

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van

5 of Act 101 of 1990, section 9 of Act 129 of 1991, section 6 of Act 141 of 1992, section 4 of Act 113 of 1993, section 6 of Act 21 of 1994, section 8 of Act 21 of 1995, section 6 of Act 36 of 1996, section 6 of Act 28 of 1997, section 24 of Act 30 of 1998, section 14 of Act 53 of 1999, section 17 of Act 30 of 2000, section 6 of Act 59 of 2000, section 7 of Act 19 of 2001, section 21 of Act 60 of 2001, section 12 of Act 30 of 2002, section 11 of Act 74 of 2002, section 18 of Act 45 of 2003, section 6 of Act 32 of 2004, section 4 of Act 9 of 2005, section 21 of Act 9 of 2006 and section 5 of Act 20 of 2006 5

6. (I) Section 8 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4)(a) for the words preceding the proviso of the following words:

"There shall be included in the taxpayer's income all amounts allowed to be deducted or set off under the provisions of sections 11 to 20, inclusive, section 24D, section 24F, section 24G, section 241, section 24J and section 27(2)(b) and (d) of this Act, except section 11(k), (p) and (q), section 11D(I), section 11quin, section 12(2) or section 12(2) as applied by section 13(8), or section 13bis(7), or section 15(a), or section 15A, or under the corresponding provisions of any previous Income Tax Act, whether in the current or any previous year of assessment which have been recovered or recouped during the current year of assessment". 10 15

(2) Subsection (I) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any amount that is recovered or recouped on or after that date. 20

Amendment of section 8E of Act 58 of 1962, as inserted by section 6 of Act 70 of 1989 and amended by section 19 of Act 45 of 2003, section 9 of Act 32 of 2004

7. Section 8E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for the definition of "right of disposal" of the following definition:

" 'right of disposal' means a right which the holder of [an hybrid equity instrument] a share has to require any party- 25

- (a) to acquire that [hybrid equity instrument] share from that holder; or
- (b) to procure, facilitate or assist with the redemption in whole or in part of that [hybrid equity instrument] share or the repayment in whole or in part of the capital subscribed for that [hybrid equity instrument] share or the conversion of that [hybrid equity instrument] share into any other share which is redeemable in whole or in part within a period of three years from the date of issue thereof." 30

Amendment of section 98 of Act 58 of 1962, as inserted by section 9 of Act 101 of 1990 and amended by section 11 of Act 129 of 1991, section 9 of Act 141 of 1992, section 6 of Act 113 of 1993, section 7 of Act 36 of 1996, section 26 of Act 30 of 1998 section 16 of Act 53 of 1999, section 21 of Act 45 of 2003, section 12 of Act 32 of 2004 and section 22 of Act 9 of 2006 35

8. Section 9B of the Income Tax Act, 1962, is hereby amended by the deletion of paragraph (a) of the proviso to subsection (I). 40

Amendment of section 9D of Act 58 of 1962, as substituted by section 14 of Act 74 of 2002, and amended by section 22 of Act 45 of 2003, section 13 of Act 32 of 2004, section 14 of Act 31 of 2005 and section 9 of Act 20 of 2006

9. (I) Section 9D of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (1) for the definition of "country of residence" of the following definition: 45

" 'country of residence', in relation to a [controlled] foreign company, means the country where that company has its place of effective management;" ;

1972, artikel 8 van Wet 85 van 1974, artikel 7 van Wet 69 van 1975, artikel 7 van Wet 113 van 1977, artikel 8 van Wet 94 van 1983, artikel 5 van Wet 121 van 1984, artikel 4 van Wet 96 van 1985, artikel 5 van Wet 65 van 1986, artikel 6 van Wet 85 van 1987, artikel 6 van Wet 90 van 1988, artikel 5 van Wet 101 van 1990, artikel 9 van Wet 129 van 1991, artikel 6 van Wet 141 van 1992, artikel 4 van Wet 113 van 1993, artikel 6 van Wet 21 van 1994, artikel 8 van Wet 21 van 1995, artikel 6 van Wet 36 van 1996, artikel 6 van Wet 28 van 1997, artikel 24 van Wet 30 van 1998, artikel 14 van Wet 53 van 1999, artikel 17 van Wet 30 van 2000, artikel 6 van Wet 59 van 2000, artikel 7 van Wet 19 van 2001, artikel 21 van Wet 60 van 2001, artikel 12 van Wet 30 van 2002, artikel 11 van Wet 74 van 2002, artikel 18 van Wet 45 van 2003, artikel 6 van Wet 32 van 2004, artikel 4 van Wet 9 van 2005, artikel 21 van Wet 9 van 2006 en artikel 5 van Wet 20 van 2006

6. (1) Artikel 8 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) die woorde in paragraaf (a) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"By die belastingpligtige se inkomste word ingereken aile bedrae wat ingevolge die bepalings van artikels 11 tot en met 20, artikel 24D, artikel 24F, artikel 24G, artikel 24I, artikel 24J en artikel 27(2)(b) en (d) van hierdie Wet, behalwe artikel 11(k), (p) en (q), artikel 11D(1), artikel 11quin, artikel 12(2), of artikel 12(2) soos toegepas deur artikel 13(8), of artikel 13bis(7), of artikel 15(a), of artikel 15A, of ingevolge die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet toegelaat is, hetsy in die lopende of 'n vorige jaar van aanslag, om afgetrek of verreken te word, en gedurende die lopende jaar van aanslag verhaal of vergoed is".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige bedrag wat op of na daardie datum verhaal of vergoed is.

Wysiging van artikel 8E van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 70 van 1989, gewysig deur artikel 19 van Wet 45 van 2003 en artikel 9 van Wet 32 van 2004

7. Artikel 8E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die omskrywing van "reg van beskikking" deur die volgende omskrywing te vervang:

"'reg van beskikking' 'n reg wat die houer van 'n [hibriede ekwiteitsinstrument] aandeel het om van 'n party te vereis-

(a) om daardie [hibriede ekwiteitsinstrument] aandeel van die houer te verkry; of

(b) om die aflossing, in die geheel of gedeeltelik, van daardie [hibriede ekwiteitsinstrument] aandeel of die terugbetaling in die geheel of gedeeltelik van die kapitaal ingeskryf op daardie [hibriede ekwiteitsinstrument] aandeel of die omskepping van daardie [hibriede ekwiteitsinstrument] aandeel in 'n ander aandeel wat in die geheel of gedeeltelik binne 'n tydperk van drie jaar vanaf die datum van uitreiking daarvan aflosbaar is, te bewerkstellig, vergemaklik of ondersteun.'",

Wysiging van artikel 9B van Wet 58 van 1962, soos ingevoeg deur artikel 9 van Wet 101 van 1990, gewysig deur artikel 11 van Wet 129 van 1991, artikel 9 van Wet 141 van 1992, artikel 6 van Wet 113 van 1993, artikel 7 van Wet 36 van 1996, artikel 26 van Wet 30 van 1998, artikel 16 van Wet 53 van 1999, artikel 21 van Wet 45 van 2003, artikel 12 van Wet 32 van 2004 en artikel 22 van Wet 9 van 2006

8. Artikel 9B van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (a) van die voorbehoudsbepaling tot subartikel (1) te skrap.

Wysiging van artikel 9D van Wet 58 van 1962, soos gewysig deur artikel 7 van Wet 90 van 1962, artikel 6 van Wet 72 van 1963, artikel 7 van Wet 90 van 1964, artikel 9 van Wet 95 van 1967, artikel 12 van Wet 89 van 1969, artikel 6 van Wet 65 van 1973, artikel 9 van Wet 85 van 1974, artikel 8 van Wet 103 van 1976, artikel 9 van Wet 121 van 1984, artikel 5 van Wet 96 van 1985, artikel 6 van Wet 65 van 1986, artikel 2 van Wet 108 van 1986, artikel 7 van Wet 85 van 1987, artikel 36 van Wet

- (b) by the substitution in subsection (1) for paragraph (e) of the definition of "foreign business establishment" of the following paragraph:
- "(e) a vessel, vehicle, [aircraft or] rolling stock or aircraft used for purposes of transportation or fishing, or prospecting or exploration for natural resources, or mining or production of natural resources, where that vessel, vehicle, rolling stock or aircraft is used solely outside the Republic for such purposes and is operated directly by that controlled foreign company or by any other company that has the same country of residence as that controlled foreign company and that forms part of the same group of companies as that controlled foreign company;"
- (c) by the substitution in subsection (1) for the definition of "foreign company" of the following definition:
- " 'foreign company' means any association, corporation, company, arrangement or scheme contemplated in paragraph (a), ~~(b)~~, ~~(c)~~, [or] (e) or ~~(f)~~ of the definition of 'company' in section I, which is not a **resident**;"
- (d) by the substitution in subsection (9)(b)(ii)(bb) for subitem (C) of the following subitem:
- "(C) the products are sold by that controlled foreign company to [persons] a person who [are] is not a connected [persons] person in relation to that controlled foreign company, for physical delivery to [customers'] a customer's premises situated within the country of residence of that controlled foreign company; or";
- (e) by the substitution in subsection (9)(b)(iii)(cc) for subitem (A) of the following subitem:
- "(A) formed an integral part of any business conducted by that controlled foreign company; and";
- (f) by the substitution in subsection (10) for subparagraph (iii) of paragraph (a) of the following subparagraph:
- "(iii) disregards the application of subsection [(9)(b)(ii)] (9)(b)(Hi) to royalties received by or accrued to a controlled foreign company where that company directly and regularly creates, develops, substantially upgrades or adds value to (or provides substantial support services in respect of) intangibles giving rise to those royalties;"
- (g) by the substitution in subsection (10) for subparagraph (i) of paragraph (a) of the following subparagraph:
- "(i) deems a place of business of a controlled foreign company as fulfilling the requirements of paragraph (a)(i) and (ii) of [that] the definition of 'foreign business establishment' in subsection (1) by taking into account the utilization of employees, equipment and facilities of any foreign company that has the same country of residence as that controlled foreign company where that [other] foreign company forms part of the same group of companies as the controlled foreign company;"

9 van 1989, artikel 10 van Wet 129 van 1991, artikel 7 van Wet 141 van 1992, artikel 5 van Wet 113 van 1993, artikel 3 van Wet 140 van 1993, artikel 7 van Wet 21 van 1994, artikel 9 van Wet 21 van 1995, artikel 7 van Wet 28 van 1997, artikel 25 van Wet 30 van 1998, artikel 15 van Wet 53 van 1999, artikel 7 van Wet 59 van 2000, artikel 12 van Wet 74 van 2002, artikel 20 van Wet 45 van 2003, artikel 11 van Wet 32 van 2004, artikel 13 van Wet 31 van 2005 en artikel 9 van Wet 20 van 2006 5

9. (1) Artikel 9D van die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in subartikel (I) paragraaf (e) van die omskrywing van "buitelandse besigheidsaak" deur die volgende paragraaf te vervang:

"(e) 'n vaartuig, voertuig, [vliegtuig of] spoorvoertuie of vliegtuig wat gebruik word vir doeleindes van vervoer of visvang, of prospekterwerk of opsporing van natuurlike hulpbronne, of mynbou of ontginning van natuurlike hulpbronne, waar daardie vaartuig, voertuig, spoorvoertuie of vliegtuig slegs buite die Republiek gebruik word vir daardie doeleindes en direk deur daardie beheerde buitelandse maatskappy of enige ander maatskappy wat dieselfde land van inwoning het as daardie beheerde buitelandse maatskappy en wat deel vorm van dieselfde groep van maatskappye as daardie beheerde buitelandse maatskappy bedryf word;" 10 15 20

- (b) deur in subartikel (1) die omskrywing van "buitelandse maatskappy" deur die volgende omskrywing te vervang:

"'buitelandse maatskappy' enige vereniging, korporasie, maatskappy, reeling of skema in paragraaf (a), (b), (c), [of] (e) of (f) van die omskrywing van 'maatskappy' in artikel 1 bedoel, wat nie 'n inwoner is nie;" 25

- (c) deur in subartikel (I) die omskrywing van "land van inwoning" deur die volgende omskrywing te vervang:

"'land van inwoning', met betrekking tot 'n [beheerde] buitelandse maatskappy, die land waar daardie maatskappy sy plek van effektiewe bestuur het." 30

- (d) deur in subartikel (9) subitem (C) van item (bb) van subparagraaf (ii) van paragraaf (b) deur die volgende subitem te vervang:

"(C) die produkte deur daardie beheerde buitelandse maatskappy verkoop is aan [persone] 'n persoon wat nie 'n verbonde [persone] persoon met betrekking tot daardie beheerde buitelandse maatskappy is nie vir fisiese aflewering by [klante] 'n klant se [persele] perseel gelee binne die land van verblyf van daardie beheerde buitelandse maatskappy; of;" 35 40

- (e) deur in subartikel (9) subitem (A) van item (cc) van subparagraaf (iii) van paragraaf (b) deur die volgende subitem te vervang:

"(A) 'n integrale deel van enige besigheid deur daardie beheerde buitelandse maatskappy bedryf, gevorm het; en;"

- if) deur in subartikel (10) subparagraaf (iii) van paragraaf (a) deur die volgende subparagraaf te vervang: 45

"(iii) die toepassing van subartikel [(9)(b)(ii)] (9)(b)(iii) buite rekening laat ten opsigte van tantieme ontvang deur of toegeval aan 'n beheerde buitelandse maatskappy waar daardie maatskappy direk en op 'n gereelde grondslag ontasbare bates wat tot sodanige tantieme aanleiding gee skep, ontwikkel, wesenlik verbeter of se waarde vermeerder (of belangrike ondersteuningsdienste verskaf ten opsigte daarvan);" 50

- (g) deur in subartikel (10) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(i) 'n plek van besigheid van 'n beheerde buitelandse maatskappy ag om aan die vereistes soos uiteengesit in paragraaf (a)(i) en (ii) van [daardie] die omskrywing van 'buitelandse besigheidsaak' in subartikel (1) te voldoen na te kom deur die benutting van werknemers, toerusting en fasiliteite van enige buitelandse maatskappy wat dieselfde land van inwoning het as daardie beheerde buitelandse maatskappy waar daardie [Iener maatsskappye] buitelandse maatskappy deel vorm van dieselfde 55 60

- (lt) by the substitution in subsection (10) for the word "and" after subparagraph (iv) of paragraph (a) of the word "or"; and
- (i) by the substitution in subsection (10) for paragraph (b) of the following paragraph:

"(b) Any ruling issued in terms of paragraph (a) will be subject to the same procedures, terms and conditions as a 'binding private ruling' as contemplated in Part IA of Chapter III [without regard to section 76G(1)(a)(ii)] but disregarding-

0) section 76G(1)(a)(ii); and

(ii) the requirement that the transaction must be a proposed transaction."

(2) Subject to subsection (3), subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment ending on or after that date.

(3) Subsection (1)(e), to the extent it refers to paragraph (e) of the definition of "company" in section 1 of the Income Tax Act, 1962, shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987, section 7 of Act 90 of 1988, section 36 of Act 9 of 1989, section 7 of Act 70 of 1989, section 10 of Act 101 of 1990, section 12 of Act 129 of 1991, section 10 of Act 141 of 1992, section 7 of Act 113 of 1993, section 4 of Act 140 of 1993, section 9 of Act 21 of 1994, section 10 of Act 21 of 1995, section 8 of Act 36 of 1996, section 9 of Act 46 of 1996, section 10 of Act 28 of 1997, section 29 of Act 30 of 1998, section 18 of Act 53 of 1999, section 21 of Act 30 of 2000, section 13 of Act 59 of 2000, sections 9 and 78 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002, section 18 of Act 74 of 2002, section 36 of Act 12 of 2003, section 26 of Act 45 of 2003, section 8 of Act 16 of 2004, section 14 of Act 32 of 2004, section 5 of Act 9 of 2005, section 16 of Act 31 of 2005, section 23 of Act 9 of 2006 and section 10 of Act 20 of 2006

10. (1) Section 10 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (1) for subparagraph (ii) of paragraph (bA) of the following subparagraph:

"(ii) any institution or body established by a foreign government to the extent that-

(aa) the institution or body has been appointed by that government to [administer its responsibilities and] perform its functions in terms of an official development assistance agreement [which] that is binding in terms of section 231(3) of the Constitution of the Republic of South Africa, 1996[1, and [that]

(bb) the agreement provides that [those] the receipts and accruals of that institution or body must be exempt; [or] and";

- (b) by the substitution in subsection (1) for the words preceding item (aa) of subparagraph (i) of paragraph (eA) of the following words:

"any institution, board or body (other than a company registered or deemed to be registered under the Companies Act, 1973 (Act No. 61 of 1973), [or under any law repealed by that Act and] any co-operative,

groep van maatskappye as daardie beheerde buitelandse maatskappy in ag te neern;"

(h) deur in subartikel (10) die woord "en" aan die einde van subparagraaf (iv) van paragraaf (a) deur die woord "of" te vervang; en

(i) deur in subartikel (10) paragraaf (b) deur die volgende paragraaf te vervang: 5
 "(b) Enige beslissing gemaak ingevolge paragraaf (a) is onderhewig aan dieselfde prosedures, terme en voorwaardes as 'n 'bindende privaatbeslissing' soos bedoel in Deel IA van Hoofstuk III [sonder inagneming van artikel 76G(I)(a)(ii)] maar sonder om in ag te neem- 10

(i) artikel 76G(I)(a)(ii); en

(ii) die vereiste dat die transaksie 'n voorgestelde transaksie moet wees." .

(2) Behoudens subartikel (3), word subartikel (1) geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op 15 of na daardie datum eindig.

(3) Subartikel (I)(c), tot die mate wat dit verwys na paragraaf (c) van die omskrywing van "maatskappy" in artikel 1 van die Inkomstebelastingwet, 1962, word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig, 20

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, 25 artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, 30 artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987, artikel 7 van Wet 90 van 1988, artikel 36 van Wet 9 van 1989, artikel 7 van Wet 70 van 1989, artikel 10 van Wet 101 van 1990, artikel 12 van Wet 129 van 1991, artikel 10 van Wet 141 van 1992, artikel 7 van Wet 113 van 1993, artikel 4 van Wet 140 van 1993, artikel 9 van Wet 21 van 1994, artikel 10 van Wet 21 van 1995, 35 artikel 8 van Wet 36 van 1996, artikel 9 van Wet 46 van 1996, artikel 10 van Wet 28 van 1997, artikel 29 van Wet 30 van 1998, artikel 18 van Wet 53 van 1999, artikel 21 van Wet 30 van 2000, artikel 13 van Wet 59 van 2000, artikel 9 van Wet 78 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002, artikel 18 van Wet 74 van 2002, artikel 36 van Wet 12 van 2003, artikel 26 van Wet 40 45 van 2003, artikel 8 van Wet 16 van 2004, artikel 14 van Wet 32 van 2004, artikel 5 van Wet 9 van 2005, artikel 16 van Wet 31 van 2005, artikel 23 van Wet 9 van 2006 en artikel 10 van Wet 20 van 2006

10. (1) Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig--

(a) deur in paragraaf (bA) in subartikel (1) subparagraaf (ii) deur die volgende subparagraaf te vervang: 45

"(ii) 'n instelling of liggaam deur 'n buitelandse regering ingestel tot die mate wat-

(aa) die instelling of liggaam deur daardie regering aangestel is om sy [verpligtinge en] funksies te [administreer] verrig 50 ingevolge 'n amptelike ontwikkelingsbystandsooreenkoms wat ingevolge artikel 231(3) van die Grondwet van die Republiek van Suid-Afrika, 1996, bindend is; en

(bb) [daardie] die ooreenkoms bepaal dat '[daardie] die ontvangste en toevallings van daardie instelling of liggaam 55 vrygestel moet wees; [of] en';

(b) deur in subartikel (I) die woorde wat item (aa) in subparagraaf (i) van paragraaf (cA) voorafgaan deur die volgende woorde te vervang:

" 'n instelling, raad of liggaam (behalwe 'n maatskappy geregistreer of geag geregistreer te wees ingevolge die Maatskappywet, 1973 (Wet No. 60 61 van 1973), [of ingevolge 'n wet wat deur genoemde Wet herroep is,

[and any] close corporation, [and any] trust[]), [and any] water services provider, [and any] Black tribal authority, community authority, Black regional authority [or] and Black territorial authority contemplated in section 2 of the Black Authorities Act, 1951 (Act No. 68 of 1951) established by or under any law and which, in the furtherance of its sole or principal object-";

- (c) by the substitution in subsection (1)(cN)(ii)(aa) for subitem (A) of the following subitem:

"(A) is integral and directly related to the sole or principal object of that public benefit organisation as contemplated in paragraph (b) of the definition of 'public benefit organisation' in section 30;";

- (d) by the substitution in subsection (1)(eN)(ii)(ee) for subitem (B) of the following subitem:

"(B) the direct connection and interrelationship of the undertaking or activity with the sole [purpose] or principal object of the public benefit organisation;";

- (e) by the substitution in subsection (1) for the words preceding item (aa) of subparagraph (iii) of paragraph (e) of the following words:

"any other association of persons (other than a company registered or deemed to be registered under the Companies Act, 1973 (Act No. 61 of 1973), [and] any co-operative [formed and incorporated or deemed to be formed and incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981)], [and any] close corporation and [any] trust, but including a company incorporated under section 21 of the Companies Act, 1973), from its members, where the Commissioner is satisfied that, subject to such conditions as he or she may deem necessary, such association of persons-";

- (j) by the deletion in subsection (1) of subparagraphs (iii) and (v) of paragraph (i);

- (g) by the insertion in subsection (1) of the word "or" after item (ee) of subparagraph (ii) of paragraph (k);

- (h) by the deletion in subsection (1) of paragraph (nG);

- (i) by the substitution in subsection (1) for subparagraph (vii) of paragraph (t) of the following subparagraph:

"(vii) of any traditional council [as contemplated in the Communal Land Rights Act, 2004 (Act No. 11 of 2004)] or traditional community established or recognised or deemed to have been established or recognised in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), or any tribe as defined in section 1 of that Act"; and

- (j) by the deletion in subsection (1) of paragraph (zB).

(2) Subsection (1)(a), (b), (e) and (i) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

(3) Subsection (1)(e) and (d) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

(4) Subsection (1)(f), to the extent that it deletes section 10(1)(i)(iii), shall come into operation on 1 March 2008.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 9 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 46 of Act 97 of 1986, section 10 of Act 85 of 1987, section 8 of Act 90 of 1988, section 8 of Act 70 of 1989, section 11 of Act 101 of 1990, section 13 of Act 129 of 1991, section 11 of Act 141 of 1992, section 9 of Act 113 of 1993, section 5 of Act 140 of 1993, section 10 of Act 21 of 1994, section 12 of Act 21 of 1995, section 9 of Act 36 of 1996,

en] 'n kooperasie, [en enige] beslote korporasie, [en enige] trust, [en enige] waterdiensverskaffer, [en enige] Swart stamowerheid, gemeenskapsowerheid, Swart sreekowerheid [of] en Swart gebiedsowerheid in artikel 2 van die Wet op Swart Owerhede, 1951 (Wet No. 68 van 1951), bedoel, wat by of ingevolge 'n wet ingestel is en wat, by die uitvoering van sy enigste of vernaamste oogmerk-";

- (e) deur in subartikel (1)(cN)(ii)(aa) subitem (A) deur die volgende subitem te **vervang**:

"(A) integraal en direk verwant is tot die enigste of vernaamste oogmerk van daardie openbare weldaadsorganisasie soos in paragraaf (b) van die omskrywing van 'openbare weldaadsorganisasie' in artikel 30 beoog";

- (d) deur in subartikel (1)(cN)(ii)(ec) subitem (B) deur die volgende subitem te **vervang**:

"(B) die direkte verband en verwantskap van die onderneming of aktiwiteit met die enigste of vernaamste oogmerk van die openbare weldaadsorganisasie";

- (e) deur in subartikel (1) die woorde wat item (aa) in subparagraaf (iii) van paragraaf (e) voorafgaan deur die volgende woorde te **vervang**:

"enige ander vereniging van persone (behalwe 'n maatskappy geregistreer of geag geregistreer te wees ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), [en] 'n kooperasie [ingevolge die Kodperasiewet, 1981 (Wet No. 91 van 1981), opgerig en mgelyf of geag opgerig en ingelyf te wees en enige], beslote korporasie en [enige] trust, maar ingesluit enige maatskappy ingevolge artikel 21 van die Maatskappywet, 1973, ingelyf), van sy 100e, waar die Kommissaris oortuig is dat, onderworpe aan die voorwaardes wat hy of sy nodig ag, daardie vereniging van persone-s-";

- if) deur in subartikel (1) subparagraaf (iii) en (v) van paragraaf (i) te skrap;
(g) deur die woord "en" in subartikel (1) na item (ee) in subparagraaf (ii) van paragraaf (k) in te **voeg**;
(h) deur in subartikel (1) paragraaf (nG) te skrap;
(i) deur in subartikel (1) subparagraaf (vii) van paragraaf (t) deur die volgende subparagraaf te **vervang**:

"(vii) van enige tradisionele raad [soos bedoel in die 'Communal Land Rights Act, 2004' (Wet No. 11 van 2004)] of 'n 'traditional community' opgerig of erken of geag opgerig of erken te wees ingevolge die 'Traditional Leadership and Governance Framework Act, 2003' (Wet No. 41 van 2003), of enige 'tribe' soos omskryf in artikel 1 van daardie Wet"; en

- (j) deur in subartikel (1) paragraaf (zB) te skrap,

(2) Subartikel (1)(a), (b), (e) en (i) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

(3) Subartikel (1)(c) en (d) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum **'n aanvang neem**.

(4) Subartikel (1)(1), tot die mate wat dit artikel 10(1)(i)(iii) skrap, tree op 1 Maart 2008 in werking.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 9 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1968, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1986, artikel 10 van Wet 85 van 1987, artikel 8 van Wet 90 van 1988, artikel 8 van Wet 70 van 1989, artikel 11 van Wet 101 van 1990, artikel 13 van Wet 129 van 1991, artikel 11 van Wet 141 van 1992, artikel 9 van Wet

section 12 of Act 28 of 1997, section 30 of Act 30 of 1998, section 20 of Act 53 of 1999, section 22 of Act 30 of 2000, section 15 of Act 59 of 2000, section 10 of Act 19 of 2001, section 27 of Act 60 of 2001, section 14 of Act 30 of 2002, section 19 of Act 74 of 2002, section 27 of Act 45 of 2003, section 9 of Act 16 of 2004, section 16 of Act 32 of 2004, section 6 of Act 9 of 2005, section 18 of Act 31 of 2005 and section 11 of Act 20 of 2006 5

11. (I) Section II of the Income Tax Act, 1962, is hereby amended-

- (a) by the deletion in paragraph (e) of subparagraph (vi);
- (b) by the substitution in paragraph (e) for subparagraph (viii) of the following subparagraph: 10
 - "(viii) where in respect of any machinery, implement, utensil or article acquired by the taxpayer on or after 21 June 1993, a deduction or allowance was previously granted to a connected person in relation to the taxpayer under this paragraph or section IIB(3), IID(2), 12B(I), 12C(1) or 12E, or under section 27(2)(d) prior to the deletion thereof by section 28(b) of the Income Tax Act, 1991 (Act No. 129 of 1991), the allowance under this paragraph shall be calculated on an amount not exceeding the lesser of the cost of such machinery, implement, utensil or article to such connected person or the market value thereof as determined on the date upon which it was acquired by the taxpayer;" 15 20
- (c) by the substitution in paragraph (gA) for subparagraph (iii) of the following subparagraph:
 - "(iii) in acquiring by assignment from any other person any such patent, design, trade mark or copyright or in acquiring any other property of a similar nature or any knowledge [connected with] essential to the use of such patent, design, trade mark, copyright or other property or the right to have such knowledge imparted,"; 25
- (d) by the substitution in paragraph (gA) for the words following subparagraph (iii) that precede the proviso of the following words: 30
 - "if such invention, patent, design, trade mark, copyright, other property or knowledge, as the case may be, is used by the taxpayer in the production of his income [or income is derived by him therefrom]";
- (e) by the substitution in the proviso to paragraph (gA) for items (AA) and (BB), respectively, of subparagraph (B) of paragraph (aa) of the following items: 35
 - "(AA) five percent of the amount of the expenditure in the case of any invention, patent, trade mark, copyright or other property of a similar nature or any knowledge [connected with] essential to the use of such invention, patent, trade mark, copyright or other property or the right to have such knowledge imparted; or 40
 - (BB) 10 per cent of the amount of the expenditure in the case of any design or other property of a similar nature or any knowledge [connected with] essential to the use of such design or other property or the right to have such knowledge imparted;"
- (f) by the substitution in the proviso to paragraph (gA) for paragraph (ee) of the following paragraph: 45
 - "(ee) no allowance shall be made in respect of any expenditure incurred by such taxpayer on or after 29 October 1999, in respect of the acquisition from any other person of any trade mark or other property of a similar nature or any knowledge [connected with] essential to the use of such trade mark or the right to have such knowledge imparted;" 50

113 van 1993, artikel 5 van Wet 140 van 1993, artikel 10 van Wet 21 van 1994, artikel 12 van Wet 21 van 1995, artikel 9 van Wet 36 van 1996, artikel 12 van Wet 28 van 1997, artikel 30 van Wet 30 van 1998, artikel 20 van Wet 53 van 1999, artikel 22 van Wet 30 van 2000, artikel 15 van Wet 59 van 2000, artikel 10 van Wet 19 van 2001, artikel 27 van Wet 60 van 2001, artikel 14 van Wet 30 van 2002, artikel 19 van Wet 74 van 2002, artikel 27 van Wet 45 van 2003, artikel 9 van Wet 16 van 2004, artikel 16 van Wet 32 van 2004, artikel 6 van Wet 9 van 2005, artikel 18 van Wet 31 van 2005 en artikel 11 van Wet 20 van 2006

11. (l) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur subparagraaf (vi) van paragraaf (e) te skrap; 10
 - (b) subparagraaf (viii) van paragraaf (e) deur die volgende subparagraaf te vervang:
 - "(viii) waar ten opsigte van enige masjinerie, gereedskap, werktuig of artikel deur die belastingpligtige op of na 21 Junie 1993 verkry, 'n aftrekking of vermindering voorheen aan 'n verbonde persoon met betrekking tot die belastingpligtige ingevolge hierdie paragraaf of artikel 11B(3), 11D(2), 12B(1), 12C(1) of 12E, of ingevolge artikel 27(2)(d) voor die skapping daarvan deur artikel 28(b) van die Inkomstebelastingwet, 1991 (Wet No. 129 van 1991), toegestaan is, word die vermindering ingevolge hierdie paragraaf bereken op 'n bedrag wat nie die minste van die koste van daardie masjinerie, gereedskap, werktuig of artikel vir bedoelde verbonde persoon of die markwaarde daarvan soos bepaal op die datum waarop dit deur die belastingpligtige verkry is, te bowe gaan nie;" 25
 - (c) deur subparagraaf (iii) van paragraaf (gA) deur die volgende subparagraaf te vervang:
 - "(iii) by die verkryging van so 'n patent, model, handelsmerk of outeursreg by sessie van 'n ander persoon of by die verkryging van enige ander goed van 'n soortgelyke aard of enige kennis wat [in verband staan met] noodsaaklik is vir die gebruik van sodanige patent, model, handelsmerk, outeursreg of ander goed of die reg om daardie kennis meegedeel te word;" 30
 - (d) deur in paragraaf (gA) die woorde wat volg op subparagraaf (iii) en wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 - "indien bedoelde uitvinding, patent, model, handelsmerk, outeursreg, ander goed of kennis, na gelang van die geval, deur die belastingpligtige by die voortbrenging van sy inkomste gebruik word [of inkomste deur hom daaruit verkry word]" 35
 - (e) deur in die voorbehoudsbepaling tot paragraaf (gA), items (AA) en (BB), onderskeidelik, in subparagraaf (B) van paragraaf (aa) deur die volgende items te vervang:
 - "(AA) vyf persent van die bedrag van die onkoste in die geval van enige uitvinding, patent, handelsmerk, outeursreg of ander goed van 'n soortgelyke aard of enige kennis wat [in verband staan met] noodsaaklik is vir die gebruik van sodanige uitvinding, patent, handelsmerk, outeursreg of ander goed of die reg om daardie kennis meegedeel te word; of 45
 - (BB) 10 persent van die bedrag van die onkoste in die geval van enige model of ander goed van 'n soortgelyke aard of enige kennis wat [in verband staan met] noodsaaklik is vir die gebruik van sodanige model of ander goed of die reg om daardie kennis meegedeel te word;" 50
 - if) deur paragraaf (ee) van die voorbehoudsbepaling tot paragraaf (gA) deur die volgende paragraaf te vervang: 55
 - "(eel) geen vermindering toegestaan word nie ten opsigte van enige onkoste deur daardie belastingpligtige op of na 29 Oktober 1999, aangegaan ten opsigte van die verkryging van 'n ander persoon van enige handelsmerk of ander goed van 'n soortgelyke aard of enige kennis wat [in verband staan met] noodsaaklik is vir die gebruik van sodanige handelsmerk of ander goed of die reg om daardie kennis meegedeel te word;" 60

- (g) by the substitution for paragraph (gB) for the following paragraph:
 "(gB) expenditure (other than expenditure which has qualified in whole or part for deduction or allowance under any of the other provisions of this section) actually incurred by the taxpayer during the year of assessment in obtaining the grant of any payment or the restoration of any patent, or the extension of the terms of any patent under the Patents Act, 1978 (Act No. 57 of 1978), or the registration of any design, or extension of the registration period of any design under the Designs Act, 1993 (Act No. 195 of 1993), or the registration of any u'ade mark, or the renewal of the registration of any trade mark under the Trade Marks Act, 1993 (Act No. 194 of 1993), or under similar laws of any other country, if such patent, design or trade mark is used by the taxpayer in the production of his or her income [or income is derived by him therefrom];"; — —
- (h) by the substitution in paragraph (gC) for subparagraph (v) of the following subparagraph:
 "(v) knowledge [connected with] essential to the use of such patent, design, copyright or other property or the right to have such knowledge imparted,";
- (i) by the substitution in paragraph (gC) for the words following subparagraph (v) that precede the proviso of the following words:
 "which shall be allowed during the year of assessment in which that invention, patent, design, copyright, other property or knowledge is brought into use for the first time by the taxpayer for the purposes of the taxpayer's trade, if that invention, patent, design, copyright, other property or knowledge, as the case may be, is used by the taxpayer in the production of his or her income";
- (j) by the substitution in the proviso to paragraph (gC) for subparagraphs (A) and (B), respectively, of paragraph (aa) of the following subparagraphs:
 "(A) five per cent of the amount of the expenditure in respect of any invention, patent, copyright or other property of a similar nature or any knowledge [connected with] essential to the use of such invention, patent, copyright or other property or the right to have such knowledge imparted; or
 (B) 10per cent of the amount of the expenditure in respect of any design or other property of a similar nature or any knowledge [connected with] essential to the use of such design or other property or the right to have such knowledge imparted;"
- (k) by the substitution in paragraph (hA) for the proviso of the following proviso:
 ": Provided that so much of the amount so paid in cash by that taxpayer as exceeds the deduction allowable in terms of this paragraph shall, for the purposes of this paragraph, be deemed to be an amount paid by the taxpayer in cash to that company, society, association or trust in the immediately succeeding year of assessment to be used for the purpose contemplated in [sections] section 10(I)(cH) or 37A;"
- (l) by the substitution in paragraph (IA) for the proviso of the following proviso:
 ": Provided that the deduction under this paragraph may not during any year of assessment in aggregate exceed an amount of R3 000 in respect of all qualifying equity shares granted to a single employee and so much as exceeds [R3 000] that amount may be carried forward to the immediately succeeding year of assessment and that excess is deemed to be the market value of qualifying equity shares granted to the relevant employee during that immediately succeeding year for purposes of this paragraph;"

- (g) deur paragraaf (gB) deur die volgende paragraaf te vervang:
- "(gB) onkoste (behalwe onkoste wat ingevolge enige van die ander bepalings van hierdie artikel geheel en al of gedeeltelik vir aftrekking of 'n vermindering in aanmerking gekom het) wat werklik deur die belastingpligtige gedurende die jaar van aanslag aangegaan is by die toestaan van enige patent of die herstelling van enige patent of die verkryging van die verlenging van die termyn van 'n patent ingevolge die Wet op Patente, 1978 (Wet No. 57 van 1978), of die registrasie van enige ontwerp of die verlenging van die registrasietermyn van 'n model ingevolge die Wet op Modelle, 1993 (Wet No. 195 van 1993), of die registrasie van enige handelsmerk of die hernuwing van die registrasie van 'n handelsmerk ingevolge die Wet op Handelsmerke, 1993 (Wet No. 194 van 1993), of ingevolge soortgelyke wette van enige ander land, indien sodanige patent, model of handelsmerk deur die belastingpligtige by die voortbrenging van sy of haar inkomste gebruik word [of inkomste daaruit deur hom verkry word];";
- (h) deur subparagraaf (v) van paragraaf (ge) deur die volgende subparagraaf te vervang:
- "(v) kennis wat [in verband staan met] noodsaaklik is vir die gebruik van so 'n patent, model, outeursreg of ander goed of die reg om daardie kennis meegedeel te word,";
- (i) deur in paragraaf (gC) die woorde wat volg op subparagraaf (v) wat die voorbehoudbepaling voorafgaan deur die volgende woorde te vervang:
- "te verkry (anders as by wyse van die uitdink, ontwikkeling of skepping daarvan), wat gedurende die jaar van aanslag toegelaat word waarin daardie uitvinding, patent, model, outeursreg of ander eiendom of kennis vir die eerste maal deur die belastingpligtige in gebruik geneem word vir doeleindes van die belastingpligtige se bedryf, indien daardie uitvinding, patent, model, outeursreg of ander eiendom of kennis, na gelang van die geval, deur die belastingpligtige in die voortbrenging van sy of haar inkomste aangewend is";
- (j) deur in paragraaf (aa) van die voorbehoudbepaling tot paragraaf (gC) subparagraawe (A) en (B), onderskeidelik, deur die volgende subparagraawe te vervang:
- "(A) vyf persent van die bedrag van die onkoste ten opsigte van enige uitvinding, patent, outeursreg of ander eiendom van soortgelyke aard of enige kennis wat [met] noodsaaklik is vir die gebruik van so 'n uitvinding, patent, outeursreg of ander eiendom [verband hou] of die reg om daardie kennis meegedeel te word; of
- (B) 10 persent van die bedrag van daardie onkoste ten opsigte van enige model of ander eiendom van 'n soortgelyke aard of enige kennis wat [met] noodsaaklik is vir die gebruik van so 'n model [in verband staan] of die reg om daardie kennis meegedeel te word,";
- (k) deur in paragraaf (hA) van die Engelse teks die voorbehoudbepaling deur die volgende voorbehoudbepaling te vervang:
- " : Provided that so much of the amount so paid in cash by that taxpayer as exceeds the deduction allowable in terms of this paragraph shall, for the purposes of this paragraph, be deemed to be an amount paid by the taxpayer in cash to that company, society, association or trust in the immediately succeeding year of assessment to be used for the purpose contemplated in [sections] section 10(1)(cH) or 37A;";
- (l) deur in paragraaf (lA) die voorbehoudbepaling deur die volgende voorbehoudbepaling te vervang:
- " : Met dien verstande dat die aftrekking kragtens hierdie paragraaf nie in enige jaar van aanslag ten opsigte van alle kwalifiserende ekwiteitsaandeel aan 'n enkele werknemer toegeken, in totaal die bedrag van R3 000 oorskry nie en soveel as wat daardie bedrag [R3 000] oorskry kan oorgedra word na die onmiddellik daaropvolgende jaar van aanslag en word daardie oorskot by die toepassing van hierdie paragraaf geag die markwaarde van kwalifiserende ekwiteitsaandeel aan die

- (m) by the deletion in paragraph (m) of the proviso;
 (n) by the substitution in paragraph (n) for item (A) of subparagraph (aa) of the following item:

"(A) 15 per cent of an amount equal to the amount remaining after deducting from, or setting off against, the income derived by the taxpayer during the year of assessment (excluding income derived from any retirement funding employment (being the income or part thereof referred to in the definition of 'retirement-funding employment' in section 1), and any retirement fund lump sum benefit) the deductions or assessed losses admissible against such income under this Act (excluding this paragraph, sections 17A, 18, 18A and 19(3) of this Act and paragraphs 12(1)(c) to (i), inclusive, of the First Schedule); or"; and

- (o) by the substitution in paragraph (o) for subparagraph (i) of the following subparagraph:

"(i) which qualified for a capital allowance or deduction in terms of section 11Ce), 11B, 110, 12B, 12C, 12E, 14, or 14bis; and".

(2) Subsection (1)(b) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any machinery, implement, utensil or article acquired on or after that date.

(3) Subsection (1)(g) shall be deemed to have come into effect on 2 November 2006 and shall apply in respect of any expenditure incurred on or after that date.

(4) Subsection (1)(k) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

(5) Subsection (1)(1) shall be deemed to have come into effect on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

(6) Subsection (1)(o) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any asset that is alienated, lost or destroyed on or after that date.

Amendment of section 11A of Act 58 of 1962, as inserted by section 28 of Act 45 of 2003

12. (1) Section 11A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

"(b) which would have been allowed as a deduction in terms of section 11 (other than section 11(x)), [or section] 11B or 11D, had the expenditure or losses been incurred after that person commenced carrying on that trade; and".

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any expenditure or losses incurred on or after that date.

Amendment of section 11D of Act 58 of 1962, as inserted by section 13 of Act 20 of 2006

13. (1) Section 11D of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution for subsection (1) of the following subsection:

"(1) [There] For the purposes of determining the taxable income derived by a taxpayer from carrying on any trade there shall be allowed as a deduction [during any year of assessment] from the income of such taxpayer so derived, an amount equal to 150 per cent of so much of any expenditure actually incurred by [a] that taxpayer [in that year of assessment (other than costs contemplated in subsection (2))] directly in respect of activities undertaken in the Republic directly for purposes of-

betrokke werknemer in daardie onmiddellik opvolgende jaar van aanslag toegeken te wees;"

(m) deur die voorbehoudsbepaling in paragraaf (m) te skrap;

(n) deur in paragraaf (n) item (A) van subparagraaf (aa) deur die volgende item te vervang:

“(A) 15 persent van 'n bedrag gelyk aan die bedrag wat oorbly na aftrekking van, of verrekening teen, die inkomste deur die belastingpligtige gedurende die jaar van aanslag verkry (uitgesonderd inkomste verkry uit enige uittredingfunderingsdiens (synde die inkomste of gedeelte daarvan bedoel in die omskrywing van 'uittredingfunderingsdiens' in artikel I), en enige uittreefonds enkelbedragvoordeel) van die afrekkings of vasgestelde verliese wat teen daardie inkomste ingevolge hierdie Wet (behalwe hierdie paragraaf, artikels 17A, 18, 18A, 19 (3) van hierdie Wet en paragraaf 12 (I) (e) tot en met (i) van die Eerste Bylae) toelaatbaar is; of"; en

(o) deur in paragraaf (o) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) wat vir 'n kapitaalvermindering of aftrekking ingevolge artikel 11 (e), liB, 110, 12B, 12C, 12E, 14 of 14bis kwalifiseer; en”.

(2) Subartikel (1)(b) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige masjinerie, gereedskap, werktuig of artikel wat op of na daardie datum verkry is.

(3) Subartikel (1)(g) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige onkoste op of na daardie datum aangegaan.

(4) Subartikel (1)(k) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang geneem het.

(5) Subartikel (1)(1) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang geneem het.

(6) Subartikel (1)(o) word geag op 2 November 2006 in werking te getree het en is van toepassing op enige bate wat op of na daardie datum vervreem, verlore geraak of vernietig is.

Wysiging van artikel IIA van Wet 58 van 1962, soos ingevoeg deur artikel 28 van Wet 45 van 2003

12. (I) Artikel II A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (I) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) wat as 'n aftrekking toelaatbaar sou wees ingevolge artikel 11 (behalwe artikel 11 (x)), [of artikel] IIB of 110, indien die onkoste of verliese deur daardie persoon aangegaan is na die beoefening van daardie bedryf ,n aanvang geneem het; en”.

(2) Subartikel (I) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige onkoste aangegaan of verliese gelyk op of na daardie datum.

Wysiging van artikel UD van Wet 58 van 1962, soos ingevoeg deur artikel 13 van Wet 20 van 2006

13. (1) Artikel IID van die Inkomstebelastingwet, 1962, word hierby gewysig-v-

(a) deur subartikel (I) deur die volgende subartikel te vervang:

“(I) [Daar word] Vir doeleindes van die vasstelling van die belasbare inkomste deur 'n belastingpligtige verkry uit die beoefening van enige bedryf word daar as 'n aftrekking [gedurende enige jaar van aanslag] toegelaat van die inkomste van sodanige belastingpligtige aldus verkry. 'n bedrag gelykstaande aan 150 persent van soveel van enige onkoste werklik deur [n] daardie belastingpligtige [in daardie jaar van aanslag] aangegaan [(behalwe koste in subartikel (2) bedoel)] direk ten opsigte van aktiwiteite onderneem in die Republiek direk vir doeleindes van—

- (a) the discovery of novel, practical and non obvious information [of a scientific or technological nature]; or
- (b) the devising, developing[,] or [creating] creation of any-
- (i) invention as defined in section 1 of the Patents Act, 1978 (Act No. 57 of 1978)[,];
- (ii) [any] design as defined in section I of the Designs Act, 1993 (Act No. 195 of 1993)[,] that qualifies for registration under section 15 of that Act;
- (iii) [or any] computer program as defined in section 1 of the Copyright Act, 1978 (Act No. 98 of 1978)[, or other similar property]; or
- (iv) knowledge essential to the use of such invention, design or computer program,
- if that information, invention, design, computer program or knowledge is of a scientific or technological nature and is intended to be used by the taxpayer in the production of his or her income.;
- (b) by the substitution for subsections (2) and (3), respectively, of the following subsections:
- "(2) There shall be allowed as a deduction by a taxpayer in respect of any building or part thereof, machinery, plant, implement, utensil [and] or article which-
- (a) is owned by that taxpayer, or acquired by that taxpayer as purchaser in terms of an agreement contemplated in paragraph (a) of the definition of 'instalment credit agreement' in section 1 of the Value-added Tax Act, 1991 (Act No. 89 of 1991);
- (b) is first brought into use by that taxpayer solely and directly for purposes contemplated in subsection (1);
- (c) prior to first being brought into use by that taxpayer solely and directly for purposes contemplated in subsection (1), was not used by any person for any purpose; and
- (d) is brought into use for purposes contemplated in subsection (1) and the information, invention, design, computer program or knowledge is intended to be used by the taxpayer in the production of his or her income,
- an [allowance] amount equal to 50 per cent of the cost to [the] that taxpayer [to acquire] of that building, part, machinery, plant, implement, utensil [and] or article in the year of assessment that it is bought into use for the first time by that taxpayer and 30 per cent in the first succeeding year of assessment and 20 per cent in the second succeeding year of assessment: Provided that [where any building was used partly for those purposes and partly for other purposes in the same year of assessment, the allowance for that year of assessment shall be limited to an amount which bears to the full amount of the allowance for that year the same ratio as the use of that building for those purposes bears to the total use of that building in that year of assessment] no deduction shall be allowed to a taxpayer under this section in respect of any building, part, machinery, plant, implement, utensil or article if that taxpayer ceased to use that building, part, machinery, plant, implement, utensil or article, solely and directly for purposes contemplated in subsection (1) during any previous year of assessment.
- (3) For the purposes of this section, the cost to the taxpayer of any building, machinery, plant, implement, utensil [and] or article shall be deemed to be the lesser of-
- (a) the actual cost to the taxpayer in respect of the acquisition. installation and erection thereof [or];
- (b) the cost which a person would, if he or she had acquired, installed or erected that building, machinery, plant, implement, utensil [and] or article under a cash transaction concluded at [arms] arm's length on

- (a) die ontdekking van nuwe, praktiese en nie-ooglopende inligting [van 'n wetenskaplike of tegnologiese aard]; of
- (b) die uitdink, ontwikkeling of skepping van enige-s-
- (i) uitvinding soos in artikel 1 van die Wet op Parente, 1978 (Wet No. 57 van 1978), omskryf[,];
 - (ii) [enige] model soos in artikel 1 van die Wet op Modelle, 1993 (Wet No. 195 van 1993), omskryf[,] wat kragtens artikel 15 van daardie Wet vir registrasie kwalifiseer;
 - (iii) [of enige] rekenaarprogram soos in artikel 1 van die Wet op Outeursreg, 1978 (Wet No. 98 van 1978), omskryf[, of ander soortgelyke eiendom,]; of
 - (iv) kennis noodsaaklik vir die gebruik van daardie uitvinding, model of rekenaarprogram,
indien daardie inligting, uitvinding, model, rekenaarprogram of kennis van 'n wetenskaplike of tegnologiese aard is, en bedoel is om deur die belastingpligtige in die voortbrenging van sy of haar inkomste gebruik te word.;
- (b) deur subartikels (2) en (3), onderskeidelik, deur die volgende subartikels te vervang:
- "(2) Daar word as 'n aftrekking deur 'n belastingpligtige toegelaat ten opsigte van enige gebou of gedeeite daarvan, masjinerie, installasie, gereedskap, werktuig of artikel wat=
- (a) deur daardie belastingpligtige besit word, of deur daardie belastingpligtige as koper verkry is ingevolge 'n ooreenkoms beoog in paragraaf (a) van die omskrywing van 'paaientkrediet-ooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991);
 - (b) vir die eerste maal deur daardie belastingpligtige in gebruik geneem is alleenlik en direk vir die doeleindes in subartikel (1) bedoel[,];
 - (c) alvorens dit vir die eerste maal deur daardie belastingpligtige in gebruik geneem is, alleenlik en direk vir doeleindes in subartikel (1) beoog, nie deur enige persoon vir enige doel gebruik is nie; en
 - (d) in gebruik geneem is vir die doeleindes beoog in artikel (1) en die inligting, uitvinding, model, rekenaarprogram of kennis bedoel is om deur die belastingpligtige in die voortbrenging van sy of haar inkomste aangewend te word.
- 'n [vermindering] bedrag gelykstaande aan 50 persent van die koste vir [die] daardie belastingpligtige vir die verkryging van daardie gebou, deel, masjinerie, installasie, gereedskap, werktuig of artikel in die jaar van aanslag wat dit vir die eerste keer deur daardie belastingpligtige in gebruik geneem is en 30 persent in die eersre daaropvolgende jaar van aanslag en 20 persent in die tweede daaropvolgende jaar van aanslag; Met dien verstande dat [waar enige gebou in dieselfde jaar van aanslag gedeeltelik vir daardie doeleindes en gedeeltelik vir ander doeleindes gebruik is, word die vermindering vir daardie jaar van aanslag beperk tot 'n bedrag wat tot die volle bedrag van die vermindering vir daardie jaar in dieselfde verhouding staan as wat die gebruik van daardie gebou vir daardie doeleindes tot die totale gebruik van daardie gebou in daardie jaar van aanslag staan] geen aftrekking aan 'n belastingpligtige kragtens hierdie alikel toegestaan word nie ten opsigte van enige gebou, deel, masjinerie, installasie, gereedskap, werktuig of artikel indien daardie belastingpligtige opgehou het om daardie gebou, deel, masjinerie, installasie, gereedskap, werktuig of artikel, alleenlik en direk vir doeleindes beoog in artikel (1) te gebruik, gedurende enige vorige jaar van aanslag.
- (3) Vir doeleindes van hierdie artikel word die koste vir die belastingpligtige van 'n gebou, masjinerie, installasie, gereedskap, werktuig of artikel geag te wees die minste van=
- (a) die werklike koste vir die belastingpligtige ten opsigte van die verkryging, installasie en oprigting daarvan; [of]
 - (b) die koste wat 'n persoon, indien hy of sy daardie gebou, masjinerie, installasie, gereedskap, werktuig of artikel verkey, gelinstalleer of opgerig het by wyse van 'n kontanttransaksie wat op uiterste

- the date on which the transaction for the acquisition, installation or erection thereof was in fact [included] concluded, have incurred in respect of the [direct] cost of such acquisition, [including the direct cost of the] installation or erection [thereof or,];
- (e) where the building, machinery, plant, implement, utensil or article was acquired by the taxpayer from any other person who is a connected person in relation to the taxpayer, the cost (as contemplated in this subsection) to that connected person in respect of the acquisition, installation or erection of that building, machinery, plant, implement, utensil or article; or 5 10
- (d) where the building, machinery, plant, implement, utensil or article has been acquired to replace an asset which has been damaged or destroyed, such cost less any amount which has been recovered or recouped in respect of the damaged or destroyed asset and has been excluded from the taxpayer's income in terms of section 8(4)(e), 15
whether in the current or any previous year of assessment.";
- (e) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words: 20
"Notwithstanding any other provision of this section, no deduction shall be allowed in terms of [subsections] subsection (1) or (2) in respect of expenditure or costs relating to-";
- (d) by the insertion after subsection (5) of the following subsections: 25
"(5A) Notwithstanding any other provision of this section, no deduction shall be allowed in terms of subsection (1) in so far as that deduction is claimed in respect of expenditure incurred to acquire, instal, erect, improve or add to any building, machinery, plant, implement, utensil, article, or to acquire, or for the right of use of, any invention, design, copyright or knowledge. 30
(5B) Notwithstanding the provisions of subsection (1), the deduction to be allowed to a taxpayer in terms of that subsection in respect of expenditure incurred by that taxpayer shall, in so far as that expenditure is incurred to defray expenditure of any other person who is a connected person in relation to that taxpayer, be limited to the amount of that expenditure."; 35
- (e) by the substitution for subsection (6) of the following subsection: 35
“(6) The [allowance] deductions contemplated in this section shall apply in lieu of any other deduction or allowance granted under any other provision of this Act, unless the taxpayer elects in the year of assessment that any deduction contemplated in subsection (2) is first allowable in respect of any building or part thereof, or any machinery, plant, implement, utensil or article, that the deduction or allowance granted under that other provision shall apply in respect of that building, part, machinery, plant, implement, utensil or article, in which case subsection (2) shall not apply in respect of that building, part, machinery, plant, implement, utensil or article, as the case may be."; and 40 45
- (f) by the substitution for subsection (9) of the following subsection: 45
“(9) Where a taxpayer during any year of assessment[-
(a)] recovers or recoups any expenditure in respect of which a deduction was allowed in terms of subsection (1) during that year or any previous year, such deduction shall be included in the income of that taxpayer[; 50
(b) ceases to use any building or part thereof for purposes contemplated in subsection (1), there shall be included in the income of the taxpayer all deductions allowed in terms of subsection (2) in respect of that building or part in any year of assessment, limited to 100 per cent of the cost to the taxpayer of that building or part, less 10 per cent for each year that the building or part was regularly used for such purposes].". 55

- voorwaardes beding is, [aangegaan het] op die datum waarop die transaksie vir die verkryging, installasie of oprigting daarvan werklik aangegaan is, sou aangaan met betrekking tot die [direkte] koste van sodanige verkryging, [ingesluit die direkte koste van die] installasie of oprigting [daarvan of,]i 5
- (e) waar die gebou, masjinerie, installasie, gereedskap, werktuig of artikel deur die belastingpligtige van enige ander persoon wat 'n verbonde persoon met betrekking tot daardie belastingpligtige is, verkry is, die koste (soos bedoel in hierdie subartikel) vir daardie verbonde persoon met betrekking tot die verkryging, installasie of oprigting van daardie gebou, masjinerie, installasie, gereedskap, werktuig of artikel; of 10
- (d) waar die gebou, masjinerie, installasie, gereedskap, werktuig of artikel verkry is om 'n bate wat beskadig of vernietig is te vervang, sodanige koste en verminder met enige bedrag wat verhaal of vergoed is ten opsigte van die beskadigde of vernietigde bate en wat uitgesluit is van die belastingpligtige se inkomste, in die huidige of vorige jaar van aanslag, ingevolge artikel 8(4)(e)."; 15
- (e) deur in subartikel (5) van die Engelse teks die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 20
- "Notwithstanding any other provision of this section, no deduction shall be allowed in terms of [subsections] subsection (1) or (2) in respect of expenditure or cost relating to--";
- (d) deur die volgende artikels na subartikel (5) in te voeg: 25
- "(5A) Ondanks enige ander bepaling van hierdie artikel word geen aftrekking ingevolge subartikel (1) toege laat nie in soverre daardie aftrekking geëis word met betrekking tot onkoste aangegaan vir die verkryging, installasie, oprigting of verbetering van of byvoeging tot enige gebou, masjinerie, installasie, gereedskap, werktuig of artikel, of vir die verkryging, of vir die reg tot gebruik, van enige uitvinding, model, outeursreg of kennis. 30
- (5B) Ondanks die bepalings van subartikel (1) word die aftrekking wat toegestaan word aan 'n belastingpligtige ingevolge daardie subartikel ten opsigte van onkoste aangegaan deur daardie belastingpligtige, in soverre daardie onkoste aangegaan is om onkoste deur 'n ander persoon wat 'n verbonde persoon met betrekking tot daardie belastingpligtige is, te dek, beperk tot die bedrag van daardie onkoste."; 35
- (e) deur subartikel (6) deur die volgende subartikel te vervang: 50
- "(6) Die [vermindering] aftrekking in hierdie artikel bedoel, sal geld in plaas van enige ander aftrekking of vermindering toegestaan onder enige ander bepaling van hierdie Wet, tensy die belastingpligtige in die jaar van aanslag, die keuse uitoefen dat enige aftrekking beoog in subartikel (2) die eerste keel' toelaatbaar word ten opsigte van enige gebou, of gedeelte daarvan, of enige masjinerie, installasie, gereedskap, werktuig of artikel, dat die aftrekking of vermindering toegestaan kragtens daardie ander bepaling op daardie gebou, deel, masjinerie, installasie, gereedskap, werktuig of artikel van toepassing sal wees, in welke geval subartikel (2) nie op daardie gebou, deel, masjinerie, installasie, gereedskap, werktuig of artikel, na gelang van die geval, van toepassing sal wees nie."; en 50
- (e) deur subartikel (9) deur die volgende subartikel te vervang:
- "(9) Waar 'n belastingpligtige gedurende enige jaar van aanslag[-
- (a)] enige onkoste aangegaan ten opsigte waarvan 'n aftrekking in gevolge van subartikel (1) toegestaan is gedurende daardie jaar van aanslag of enige vorige jaar van aanslag, verhaal of vergoed word, sal sodanige aftrekking by die inkomste van daardie belastingpligtige ingesluit word; 55
- (b) ophou om enige gebou of gedeelte daarvan vir die doeleindes soos in subartikel (1) beoog te gebruik, sal daar by die inkomste van die belastingpligtige ingesluit word, aile aftrekkings toegestaan ingevolge subartikel (2) ten opsigte van daardie gebou of gedeelte in enige jaar van aanslag, beperk tot 100 persent van die koste van daardie 60

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any activities undertaken, or any building, machinery, plant, implement, utensil or article first brought into use on or after that date.

Amendment of section 12C of Act 58 of 1962, as inserted by section 14 of Act 101 of 1990 and amended by section 11 of Act 113 of 1993, section 7 of Act 140 of 1993, 5
section 11 of Act 21 of 1994, section 13 of Act 21 of 1995, section 10 of Act 46 of 1996,
section 18 of Act 59 of 2000, section 11 of Act 19 of 2001, section 15 of Act 30 of 2002,
section 30 of Act 45 of 2003, section 8 of Act 9 of 2005 and section 20 of Act 31 of
2005

14. (I) Section 12C of the Income Tax Act, 1962, is hereby amended by the 10
substitution in subsection (I) for paragraph (c) of the following paragraph:

"(c) machinery or plant (other than machinery or plant in respect of which an allowance has been granted to the taxpayer under paragraph (a) owned by the taxpayer or acquired by the taxpayer as a purchaser in terms of an agreement contemplated in paragraph (a) of an 'instalment credit agreement' as defined 15
in section 1 of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), and which was or is brought into use for the first time by any agricultural co-operative [incorporated] registered or deemed to be incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981), or registered under the Co-operatives Act, 2005 (Act No. 14 of 2005) and is used by it directly for 20
storing or packing pastoral, agricultural or other farm products of its members (including any person who is a member of another agricultural co-operative which is itself a member of such agricultural co-operative) or for subjecting such products to a primary process as defined in section 27(9); or".

(2) Subsection (1) shall be deemed to have come into operation on 1 January 2007 and 25
shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 12E of Act 58 of 1962, as inserted by section 12 of Act 19 of 2001 and amended by section 17 of Act 30 of 2002, section 21 of Act 74 of 2002, section 37 of Act 12 of 2003, section 31 of Act 45 of 2003, section 9 of Act 9 of 2005, section 21 of Act 31 of 2005, section 24 of Act 9 of 2006 and section 14 of Act 20 of 30
2006

15. (1) Section 12E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for paragraph (i) of the following paragraph:

"(i) the gross income for the year of assessment does not exceed an amount equal to R14 million: Provided that where the close corporation or company during 35
the relevant year of assessment carries on any trade, for purposes of which any asset contemplated in this section is used, for a period which is less than 12 months, [the] that amount [of R14 million] shall be reduced to an amount which bears to [R14 million] that amount, the same ratio as the number of 40
months (in the determination of which a part of a month shall be reckoned as a full month), during which that company or close corporation carried on that trade bears to 12 months;".

(2) Subsection (1) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

gebou of deel vir die belastingpligtige verminder met 10 persent vir elke jaar wat daardie gebou of deel gereeld vir daardie doeleindes gebruik is].".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige aktiwiteite onderneem, of enige gebou, masjinerie, installasie, gereedskap, werktuig of artikel wat vir die eerste keer op of na daardie datum in gebruik geneem is. 5

Wysiging van artikel 12C van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 101 van 1990, gewysig deur artikel 11 van Wet 113 van 1993, artikel 7 van Wet 140 van 1993, artikel 11 van Wet 21 van 1994, artikel 13 van Wet 21 van 1995, artikel 10 van Wet 46 van 1996, artikel 18 van Wet 59 van 2000, artikel 11 van Wet 19 van 2001, artikel 15 van Wet 30 van 2002, artikel 30 van Wet 45 van 2003, artikel 8 van Wet 9 van 2005 en artikel 20 van Wet 31 van 2005 10

14, (1) Artikel 12C van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: IS

"(c) masjinerie of installasie (behalwe masjinerie of installasie ten opsigte waarvan 'n aftrekking ingevoelge paragraaf (a) aan die belastingpligtige toegestaan is) waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge 'n ooreenkoms in paragraaf (a) van die omskrywing van 'paaientkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991), bedoel en wat vir die eerste maal deur 'n landboukoöperasie [ingelyf is) geregistreer is of geag word ingelyf te wees ingevolge die Koöperasiewet, 1981 (Wet No. 91 van 1981), of geregistreer is ingevolge die 'Co-operatives Act, 2005' (Wet No. 14 van 2005), in gebruik geneem is of word en deur hom 20 regstreeks gebruik word vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte van sy lede (met inbegrip van 'n persoon wat 'n lid is van 'n ander landboukoöperasie wat self 'n lid van bedoelde landboukoöperasie is) of vir die onderwerping van bedoelde produkte aan 'n primere proses soos in artikel 27(9) omskryf; of". 25 30

(2) Subartikel (1) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 12E van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 19 van 2001, soos gewysig deur artikel 17 van Wet 30 van 2002, artikel 21 van Wet 74 van 2002, artikel 37 van Wet 12 van 2003, artikel 31 van Wet 45 van 2003, artikel 9 van Wet 9 van 2005, artikel 21 van Wet 31 van 2005, artikel 24 van Wet 9 van 2006 en artikel 14 van Wet 20 van 2006 35

15. (1) Artikel 12E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) paragraaf (i) deur die volgende paragraaf te vervang:

"(i) die bruto inkomste vir die jaar van aanslag nie 'n bedrag gelykstaande aan R14 miljoen te bowe gaan nie: Met dien verstande dat waar die beslore korporasie of maatskappy gedurende die betrokke jaar van aanslag 'n bedryf beoefen, waarvoor enige bate in hierdie artikel gebruik word, vir 'n tydperk wat mindel' as 12 maande is, word [die] daardie bedrag [van R14 miljoen) verminder na 'n bedrag wat tot [R14 miljoen) daardie 45 bedrag in dieselfde verhouding staan, as wat die aantal maande (in die berekening waarvan 'n deel van 'n maand as 'n volle maand gereken sal word) waartydens daardie maatskappy of beslore korporasie daardie bedryf beoefen het, tot 12 maande staan;".

(2) Subartikel (1) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem. 50

Amendment of section 13quat of Act 58 of 1962, as inserted by section 33 of Act 45 of 2003 and amended by section 12 of Act 16 of 2004, section 19 of Act 32 of 2004 and section 23 of Act 31 of 2005

16. Section 13quat of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (5) for paragraph (a) of the following paragraph: 5

"(a) where that taxpayer ceased to use that building or part solely for purposes of that taxpayer's trade during any previous year of assessment in or prior to which an allowance contemplated in subsection (2) was claimed;".

Amendment of section 18 of Act 58 of 1962, as amended by section 15 of Act 95 of 1967, section 12 of Act 76 of 1968, section 17 of Act 89 of 1969, section 14 of Act 52 of 1970, section 15 of Act 88 of 1971 section 12 of Act 104 of 1980, section 15 of Act 96 of 1981, section 15 of Act 121 of 1984, section 11 of Act 96 of 1985, section 14 of Act 90 of 1988, section 11 of Act 70 of 1989, section 16 of Act 101 of 1990, section 19 of Act 129 of 1991, section 18 of Act 141 of 1992, section 16 of Act 21 of 1995, section 23 of Act 53 of 1999, section 26 of Act 59 of 2000, section 19 of Act 30 of 2002 and section 25 of Act 31 of 2005 10 15

17. (1) Section 18 of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subsection (1)(a) for the words preceding subparagraph (i) of the following words:

"any contributions made by that taxpayer [during] in respect of the year of assessment in respect of that taxpayer, his or her spouse and any dependant, as defined in section 1 of the Medical Schemes Act, 1998 (Act No. 131 of 1998), of that taxpayer to-"; 20

(b) by the substitution in subsection (2) for item (ee) of subparagraph (i) of paragraph (e) of the following item: 25

"(ee) where those contributions are made with respect to the taxpayer and more than one dependant, [R1 000] the amount referred to in item (bb) in respect of the taxpayer and one dependant plus [R300] R320 for every additional dependant for each month in that year in respect of which those contributions were made"; 30

(e) by the substitution in subsection (2) for the words in paragraph (e) following item (bb) of subparagraph (ii) of the following words:

"as in the aggregate exceeds 7,5 per cent of the taxpayer's taxable income (excluding any retirement fund lump sum benefit) as determined before allowing any deduction under this section."; and 35

(d) by the substitution in subsection (3) for paragraph (e) of the following paragraph:

"(e) a person who suffers from a mental illness as defined in section 1 of the [Mental Health Act, 1973 (Act No. 18 of 1973)] Mental Health Care Act, 2002 (Act No. 17 of 2002).". 40

(2) Subsection (1)(b) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of section 18A of Act 58 of 1962, as inserted by section 15 of Act 52 of 1970, amended by section 16 of Act 88 of 1971, section 13 of Act 90 of 1972, section 14 of Act 65 of 1973, section 16 of Act 96 of 1981, section 14 of Act 91 of 1982, section 16 of Act 94 of 1983, section 16 of Act 121 of 1984, section 15 of Act 90 of 1988, section 17 of Act 101 of 1990, section 20 of Act 129 of 1991, section 11 of Act 36 of 1996, section 16 of Act section 72 of Act 59 of 2000, section 20 of Act 30 of 2002, section 34 of Act 45 of 2003, section 26 of Act 31 of 2005 and section 16 of Act 20 of 2006 45 50

18. Section 18A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for the words following paragraph (e) of the following words:

"as does not exceed [five] ten per cent of the taxable income (excluding any retirement fund lump sum benefit) of the taxpayer as calculated before allowing any deduction under this section or section 18.". 55

Wysiging van *artikel13* van Wet 58 van 1962, soos ingevoeg deur *artikel33* van Wet 45 van 2003, gewysig deur *artikel12* van Wet 16 van 2004, *artikel19* van Wet 32 van 2004 en *artikel 23* van Wet 31 van 2005

16, Artikel 13 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (5) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) waar daardie belastingpligtige gedurende enige vorige jaar van aanslag waartydens 'n toelaag soos bedoel in subartikel (2) geëis is, of 'n voorafgaande jaar van aanslag ophou om daardie gebou of gedeelte uitsluitlik vir doeleindes van daardie belastingpligtige se bedryf te gebruik;”.

Wysiging van *artikel18* van Wet 58 van 1962, soos gewysig deur *artikel15* van Wet 95 van 1967, *artikel12* van Wet 76 van 1968, *artikel17* van Wet 89 van 1969, *artikel 14* van Wet 52 van 1970, *artikel15* van Wet 88 van 1971, *artikel12* van Wet 104 van 1980, *artikel 15* van Wet 96 van 1981, *artikel 15* van Wet 121 van 1984, *artikel11* van Wet 96 van 1985, *artikel 14* van Wet 90 van 1988, *artikel 11* van Wet 70 van 1989, *artikel 16* van Wet 101 van 1990, *artikel19* van Wet 129 van 1991, *artikel 18* van Wet 141 van 1992, *artikel 16* van Wet 21 van 1995, *artikel 23* van Wet 53 van 1999, *artikel26* van Wet 59 van 2000, *artikel19* van Wet 30 van 2002 en *artikel 25* van Wet 31 van 2005

17, (I) Artikel 18 van die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subartikel (1)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“enige bydraes deur die belastingpligtige [gedurende] met betrekking tot die jaar van aanslag gemaak ten opsigte van daardie belastingpligtige, sy of haar gade en enige afhanklike, soos in artikel 1 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), omskryf, van daardie belastingpligtige aan-”;

(b) deur in subartikel (2) item (cc) van paragraaf (c)(i) deur die volgende item te vervang:

“(cc) waar daardie bydraes gemaak is met betrekking tot die belastingpligtige en meer as een afhanklike, [R1 000] die bedrag bedoel in item (bb) ten opsigte van die belastingpligtige en een afhanklike plus [R300] R320 vir elke bykomende afhanklike vir elke maand in daardie jaar ten opsigte waarvan daardie bydraes gemaak is”;

(c) deur in subartikel (2) die woorde wat volg op item (bb) in subparagraaf (ii) in paragraaf (c) deur die volgende woorde te vervang:

“as wat in totaal 7,5 persent van die belastingpligtige se belasbare inkomste (uitgesluit enige uittreffonds enkelbedragvoordeel) soos vasgestel voor enige bedrag kragtens hierdie artikel as aftrekking toegelaat is, oorskry.”; en

(d) deur in subartikel (3) paragraaf (e) deur die volgende paragraaf te vervang:

“(e) 'n persoon wat aan 'n geestesongesteldheid soos omskryf in artikel 1 van die [Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973)] 'Mental Health Care Act, 2002' (Wet No. 17 van 2002), ly.”.

(2) Subartikel (1)(b) word geag op 1 Maart 2007 in werking te getree het en is van toepassing op enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Wysiging van *artikel 18A* van Wet 58 van 1962, soos ingevoeg deur *artikel 15* van Wet 52 van 1970, gewysig deur *artikel16* van Wet 88 van 1971, *artikel13* van Wet 90 van 1972, *artikel14* van Wet 65 van 1973, *artikel16* van Wet 96 van 1981, *artikel 14* van Wet 91 van 1982, *artikel16* van Wet 94 van 1983, *artikel16* van Wet 121 van 1984, *artikel15* van Wet 90 van 1988, *artikel17* van Wet 101 van 1990, *artikel20* van Wet 129 van 1991, *artikel11* van Wet 36 van 1996, *artikel16* van Wet 72 van 1999, *artikel 20* van Wet 30 van 2002, *artikel34* van Wet 45 van 2003, *artikel26* van Wet 31 van 2005 en *artikel 16* van Wet 20 van 2006

18. Artikel 18A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang:

“as wat nie [vyf] tien persent van die belasbare inkomste (uitgesluit enige uittreffonds enkelbedragvoordeel) van die belastingpligtige soos bereken voordat 'n aftrekking ingevolge hierdie artikel en artikel 18 toegelaat word te bowe gaan nie.”.

Amendment of section 20 of Act 58 of 1962, as amended by section 13 of Act 90 of 1964, section 18 of Act 88 of 1965, section 13 of Act 76 of 1968, section 18 of Act 89 of 1969, section 15 of Act 65 of 1973, section 8 of Act 101 of 1978, section 18 of Act 94 of 1983, section 19 of Act 101 of 1990, section 16 of Act 113 of 1993, section 17 of Act 21 of 1995, section 26 of Act 30 of 2000, section 27 of Act 59 of 2000, section 23 of Act 74 of 2002 and section 35 of Act 45 of 2003 5

19. Section 20 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (1) for subparagraph (i) of paragraph (a) of the following subparagraph:
 - "(i) no person whose estate has been voluntarily or compulsorily sequestrated shall be entitled to carry forward any assessed loss incurred prior to the date of sequestration, unless the order of sequestration has been set aside, in which case the amount to be so carried forward shall be reduced by an amount which was allowed to be set off against the income of the insolvent estate of such person from the carrying on of any trade [in the Republic]; and"; 10 15
- (b) by the deletion in the proviso to subsection (1) of the word "or" at the end of subparagraph (ii) of paragraph (a);
- (c) by the substitution in the proviso to subsection (1) for subparagraph (ii) of paragraph (b) of the following subparagraph: 20
 - "(ii) any balance of assessed loss incurred in any previous year of assessment; or";
- (d) by the addition after paragraph (b) of the proviso to subsection (1) of the following paragraph:
 - "(c) that is a retirement fund lump sum benefit included in taxable income, any- 25
 - (i) balance of assessed loss;
 - (ii) 'assessed loss' as defined in subsection (2) incurred in such year before taking into account that retirement fund lump sum benefit;"; and 30
- (e) by the substitution in subsection (2A) for paragraph (a) of the following paragraph:
 - "(a) the provisions of subsections (1) and (2) shall *mutatis mutandis* apply for the purpose of determining the taxable income derived by such taxpayer otherwise than from carrying on any trade, the reference in subsection (1) to 'taxable income derived by any person from carrying on any trade [in the Republic]' and the reference in that subsection to 'the income so derived' being respectively construed as including a reference to taxable income derived by the taxpayer otherwise than from carrying on any trade and a reference to income so derived; and". 35 40

Amendment of section 23 of Act 58 of 1962, as amended by section 18 of Act 65 of 1973, section 20 of Act 121 of 1984, section 23 of Act 129 of 1991, section 20 of Act 141 of 1992, section 18 of Act 113 of 1993, section 15 of Act 21 of 1994, section 28 of Act 30 of 2000, section 21 of Act 30 of 2002, section 38 of Act 45 of 2003, section 13 of Act 16 of 2004, section 28 of Act 31 of 2005 and section 17 of Act 20 of 2006 45

20. Section 23 of the Income Tax Act, 1962, is hereby amended by the insertion after paragraph (h) of the following paragraph:

- "(i) any expenditure, loss or allowance to the extent to which it is claimed as a deduction from any retirement fund lump sum benefit;" 50

Amendment of section 23D of Act 58 of 1962, as inserted by section 19 of Act 113 of 1993, as amended by section 10 of Act 140 of 1993, section 20 of Act 21 of 1995 and section 29 of Act 31 of 2005

21. (1) Section 23D of the Income Tax Act, 1962, is hereby amended-

- (a) by the insertion in subsection (1) after paragraph (aA) of the following paragraph: 55

Wysiging van artikel 20 van Wet 58 van 1962, soos gewysig deur artikel 13 van Wet 90 van 1964, artikel 18 van Wet 88 van 1965, artikel 13 van Wet 76 van 1968, artikel 18 van Wet 89 van 1969, artikel 15 van Wet 65 van 1973, artikel 8 van Wet 101 van 1978, artikel 18 van Wet 94 van 1983, artikel 19 van Wet 101 van 1990, artikel 16 van Wet 113 van 1993, artikel 17 van Wet 21 van 1995, artikel 26 van Wet 30 van 2000, artikel 27 van Wet 59 van 2000, artikel 23 van Wet 74 van 2002 en artikel 35 van Wet 45 van 2003 5

19. Artikel 20 van die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subartikel (1) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang: 10

"(i) 'n persoon wie se boedel onder vrywillige of verpligte sekwestrasie geplaas is, nie geregtig is om 'n vasgestelde verlies voor die datum van sekwestrasie gely, oor te bring nie, tensy die sekwestrasiebevel tersyde gestel is, in welke geval die bedrag aldus oorgebring staan te word, venninder word met 'n bedrag wat toegelaat is om teen die inkomste in vergelyking gebring te gewees het van die insolvente boedel van bedoelde persoon uit die beoefening van 'n bedryf [in die Republiek]; en"; 15

(b) deur in die voorbehoudsbepaling tot subartikel (1) die woord "of" aan die einde van subparagraaf (ii) van paragraaf (a) te skrap; 20

(c) deur in die voorbehoudsbepaling tot subartikel (1) subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

"(ii) enige balans van 'n vasgestelde verlies in enige vorige jaar van aanslag gely[.]; of";

(d) deur in subartikel (1) na paragraaf (b) van die voorbehoudsbepaling die volgende bepaling in te voeg: 25

H(C) wat 'n uittreefonds enkelbedragvoordeel ingesluit in die belasbare inkomste is, enige-

(i) balans van 'n vasgestelde verlies;

(ii) 'aangeslane verlies' soos in subartikel (2) omskryf, in sodanige jaar gely alvorens daardie uittreefonds ~~enkelbedragvoordeel in ag geneem~~ is;"; en 30

(e) deur in subartikel (2A) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) is die bepalings van subartikels (1) en (2) *mutatis mutandis* van toepassing ten einde die belasbare inkomste deur daardie belastingpligtige verkry andersins dan uit die beoefening van 'n bedryf vas te stel, terwyl die verwysing in subartikel (1) na 'belasbare inkomste deur 'n persoon verkry uit die beoefening van 'n bedryf [in die Republiek]' en die verwysing in daardie subartikel na 'die aldus verkree inkomste' onderskeidelik uitgele word asof dit 'n verwysing na belasbare inkomste deur die belastingpligtige verkry andersins dan uit die beoefening van 'n bedryf en 'n verwysing na aldus verkree inkomste insluit; en". 35 40

Wysiging van artikel 23 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 65 van 1973, artikel 20 van Wet 121 van 1984, artikel 23 van Wet 129 van 1991, artikel 20 van Wet 141 van 1991, artikel 18 van Wet 113 van 1993, artikel 15 van Wet 21 van 1991, artikel 28 van Wet 30 van 2000, artikel 21 van Wet 30 van 2002, artikel 38 van Wet 45 van 2003, artikel 13 van Wet 16 van 2004, artikel 28 van Wet 31 van 2005 en artikel 17 van Wet 20 van 2006 45

20. Artikel 23 van die Inkomstebelastingwet, 1962, word hierby gewysig deur na 50 paragraaf (h) die volgende paragraaf in te voeg:

"(i) enige onkoste, verlies of toelaag tot die mate wat dit gee is as 'n aftrekking van enige uittreefonds enkelbedragvoordeel;"

Wysiging van artikel 23D van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 113 van 1993, soos gewysig deur artikel 10 van Wet 140 van 1993, artikel 20 van Wet 21 van 1995 en artikel 29 van Wet 31 van 2005 55

21. (I) Artikel 23D van die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subartikel (1) na paragraaf (aA) die volgende paragraaf in te voeg:

- "(aB) any building, machinery, plant, implement, utensil or article contemplated in section 11B or 11D, as the case may be;"; and
- (b) by the substitution in subsection (2) for the words after paragraph (d) of the following words:
- "and a deduction was previously granted to such lessee, such connected person or such sublessee under section 11(e), 11(gA), 11(gC), 11B, 11D, 12B, 12C, 13, 14 or 14bis or section 12 prior to the repeal thereof by section 16 of the Income Tax Act, 1991 (Act No. 129 of 1991), or section 27(2)(d) prior to the deletion thereof by section 28(b) of that Act, whether in the current or any previous year of assessment, any deduction or allowance claimed by such lessor in respect of such asset in terms of section 11(e), (gA), (gC) or (D), 11B, 11D, 12C, 13, 14 or 14bis shall be calculated on an amount not exceeding the lesser of the cost or adjustable cost, as the case may be, of such asset to the lessee, such connected person or such sublessee or the market value thereof as determined on the date upon which the asset was acquired by the taxpayer."
- (2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any asset acquired on or after that date.

Amendment of section 24F of Act 58 of 1962, as amended by section 17 of Act 85 of 1987, section 19 of Act 90 of 1988, section 24 of Act 101 of 1990, section 26 of Act 129 of 1991, section 30 of Act 59 of 2000, section 25 of Act 74 of 2002 and section 32 of Act 31 of 2005

22, Section 24F of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- "Subject to the provisions of [subsection] subsections (4) and (5), the amount of the film allowance which may be granted in terms of subsection (2), in respect of anyone film, is the sum 01'-'";
- (b) by the substitution in subsection (4) for paragraph (b) of the following paragraph:
- "(b) the amounts of any production cost and post-production cost which have been actually incurred but have not been paid by the film owner and for which he or she is under the provisions of subsection (8) deemed to be at risk on the last day of the year of assessment.";
- (c) by the substitution for subsection (5) of the following subsection:
- "(5) An amount actually incurred in respect of production costs or post-production costs of a film shall not be allowed as a deduction in terms of this section unless there is a binding, unconditional obligation to pay that amount within a period of 18 months from the completion date of that film."; and
- (d) by the substitution in subsection (8) for the words that precede the proviso of the following words:
- "For the purposes of subsection (4), a film owner shall be deemed to be at risk to the extent that the payment of the production cost or post-production cost actually incurred by the film owner, or the repayment of any loan or credit used by the film owner for the payment or financing of any such production cost or post-production cost would (having regard to any transaction, agreement, arrangement, understanding or scheme entered into before or after such production cost or post-production cost is incurred) result in an economic loss to the film owner were no income to be received by or accrue to the film owner in future years from the exploitation by the film owner of the film" .

- “(aB) enige gebou, masjinerie, installasie, gereedskap, werktuig of artikel beoog in artikel IIB of IID, na gelang van die geval;”; en
(b) deur in subartikel (2) die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:

“verkry is, en 'n aftrekking voorheen aan bedoelde huurder, bedoelde verbonde persoon of bedoelde onderhuurder ingevolge artikel JI(e), 11(gA), 11(ge), IIB, IID, 12B, 12C, 13, 14 of 14bis of artikel 12 voor die herroeping daarvan deur artikel 16 van die Inkomstebelastingwet, 1991 (Wet No. 129 van 1991), of artikel 27(2)(d) voor die skraping daarvan deur artikel 28(b) van daardie Wet, hetsy in die lopende of 'n vorige jaar van aanslag, toegestaan is, word enige aftrekking of vermindering deur bedoelde verhuurder ten opsigte van bedoelde bate ingevolge artikel 11(e), (gA), (gC) of (O), IIB, IID, 12C, 13, 14 of 14bis geëis, bereken op 'n bedrag wat nie die minste van die koste of veranderbare koste, na gelang van die geval, van bedoelde bate vir bedoelde huurder, bedoelde verbonde persoon of bedoelde onderhuurder of die markwaarde daarvan soos bepaal op die datum waarop die bate deur die belastingpligtige verkry is, te bowe gaan nie.”,

- (2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige bate op of na daardie datum verkry.

Wysiging van artikel 24F van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 85 van 1987, artikel 19 van Wet 90 van 1988, artikel 24 van Wet 101 van 1990, artikel 26 van Wet 129 van 1991, artikel 30 van Wet 59 van 2000, artikel 25 van Wet 74 van 2002 en artikel 32 van Wet 31 van 2005

22. Artikel 24F van die Inkomstebelastingwet, 1962, word hierby gewysig deur-
(a) in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Behoudens die bepalings van [subartikel] subartikels (4) en (5) is die bedrag van die rolprentvermindering wat ingevolge subartikel (2) ten opsigte van 'n enkele rolprent toegestaan kan word, die som van-”;
(b) deur in subartikel J (4) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die bedrae aan enige produksiekoste en na-produksiekoste wat werklik aangegaan is, maar wat nie deur die rolprenteienaar betaal is nie en waarvoor hy of sy ingevolge die bepalings van subartikel (8) geag word op die laaste dag van die jaar van aanslag op risiko te wees.”;

- (e) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) 'n Bedrag werklik aangegaan ten opsigte van produksiekoste of na-produksiekoste van 'n rolprent word nie toegelaat as 'n aftrekking kragtens hierdie artikel nie, tensy daar 'n bindende, onvoorwaardelike verpligting is om daardie bedrag binne 'n tydperk van 18 maande vanaf die datum van voltooiing van daardie rolprent te betaal”; en

- (d) deur in subartikel (8) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“By die toepassing van subartikel (4), word 'n rolprenteienaar geag op risiko te wees in die mate waarin die betaling van die produksiekoste of na-produksiekoste wat werklik deur die rolprenteienaar aangegaan is, of die terugbetaling van 'n lening of krediet wat deur die rolprenteienaar gebruik vir die betaling of finansiering van enige bedoelde produksiekoste of na-produksiekoste (met inagneming van enige transaksie, ooreenkoms, verstandhouding of skema wat aangegaan is voordat of nadat bedoelde produksiekoste of na-produksiekoste aangegaan is) op 'n ekonomiese verlies vir die rolprenteienaar sou uitloop indien geen inkomste in toekomstige jare uit die benutting van die rolprent deur die rolprenteienaar ontvang sou word of aan die rolprenteienaar sou toeval rue”.

Amendment of section 241 of Act 58 of 1962, as inserted by section 21 of Act 113 of 1993 and amended by section 19 of Act 20 of 2006

23. (I) Section 241 of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subsection (10) for the words preceding paragraph (a) of the following words:

"Subject to the provisions of subsection (7A), [No] no amount shall in terms of this section be included in or deducted from the income of-";

(b) by the substitution in subsection (11A) for the words preceding paragraph (a) of the following words:

"An amount shall not be included in or deducted from the income of a resident in terms of this section in respect of any exchange difference arising from any forward exchange contract or foreign currency option contract or premium in respect of any foreign currency option contract entered into by that resident to hedge the acquisition of the equity shares of a company by that resident, or by any other resident forming part of the same group of companies as that resident, to the extent->-"; and

(e) by the substitution in subsection (11A) for subparagraph (ii) of paragraph (e) of the following subparagraph:

"(ii) in the case of an acquisition by another resident forming part of the same group of companies as that resident, that amount is not included in the consolidated income statement [of that resident utilised] forming part of the annual financial statements of a group for purposes of financial reporting [purposes] pursuant to International Financial Reporting Standards or South African Statements of Generally Accepted Accounting Practice [if that income statement forms part of the group financial statements] in terms of which [that resident is] the aforementioned residents are viewed as part of [a] that group for purposes of those Standards or Statements.".

(2) Subsection (1)(a) shall be deemed to have come into effect on 8 November 2005 and shall apply in respect of any year of assessment ending on or after that date.

(3) Subsection (1)(b) and (e) shall be deemed to have come into operation on 31 December 2006 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 26B of Act 58 of 1962, as inserted by section 21 of Act 20 of 2006

24. (I) Section 26B of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The tax imposed on the net amount of any dividend declared, as determined in terms of section 64B(3), by an oil and gas company, as defined in the Tenth Schedule, as derived [from] out of profits attributable to its oil and gas income (as defined in that Schedule) shall be determined in accordance with [the provisions of] this Act but subject to [the provisions of] the Tenth Schedule.".

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and applies in respect of any dividend declared on or after that date.

Amendment of section 30 of Act 58 of 1962, as inserted by section 30 of Act 53 of 1999 and amended by section 36 of Act 59 of 2000, section 15 of Act 19 of 2001, section 39 of Act 60 of 2001, section 30 of Act 74 of 2002, section 16 of Act 16 of 2004 and section 24 of Act 20 of 2006

25. (I) Section 30 of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subsection (I) for subparagraph (ii) of paragraph (a) of the definition of "public benefit organisation" of the following subparagraph:

Wysiging van artikel 241 van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 113 van 1993 en gewysig deur artikel 19 van Wet 20 van 2006

23. (1) Artikel 241 van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur in subartikel (10) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 5
- "Behoudens die bepalings van subartikel (7A), word [Geen] geen bedrag [word] kragtens hierdie artikel ingesluit in of afgetrek van die inkomste van-";
- (b) deur in subartikel (11A) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 10
- “ 'n Bedrag word nie by die inkomste van 'n inwoner ingevolge hierdie artikel ingesluit of daarvan afgetrek nie ten opsigte van enige valutaverskil wat [ontsaan] ontstaan uit enige valutatermynkontrak of buitelandse valuta opsie-kontrak of premie ten opsigte van enige buitelandse valuta-opsie kontrak deur daardie inwoner aangegaan om as dekking te dien vir die verkryging van die ekwiteitsaandeel van 'n maatskappy deur daardie inwoner of deur enige ander inwoner wat deel van dieselfde groep van maatskappye as daardie inwoner vorm, in die mate wat->"; en 15
- (e) deur in subartikel (11A) subparagraaf (ii) in paragraaf (e) deur die volgende subparagraaf te vervang: 20
- “(ii) in die geval van 'n verkryging deur 'n ander inwoner wat deel vorm van dieselfde groep van [maatskappy] maatskappye as daardie inwoner, daardie bedrag nie ingesluit is nie by die gekonsolideerde inkomstestaat [van daardie inwoner] wat deel uitmaak van die finansiële jaarstate van 'n groep [gebruik] vir doeleindes van finansiële verslagdoening volgens Internasionale Finansiële Verslagdoening Standaard of Suid-Afrikaanse Standpunte van Algemeen Aanvaarde Rekeningkundige Praktyk [indien daardie inkomstestaat deel uitmaak van die groep finansiële state] in tenne waarvan [daardie inwoner] die voormelde inwoners beskou word as deel van ['n] daardie groep vir doeleindes van daardie Standaard of Standpunte.”. 25
- (2) Subartikel (1)(a) word geag op 8 November 2005 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig. 35
- (3) Subartikel (1)(b) en (e) word geag op 31 Desember 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 26B van Wet 58 van 1962, soos ingevoeg deur **artikel 21** van Wet 20 van 2006 40

24. (1) Artikel 26B van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die belasting gehef op die netto bedrag van enige dividend verklaar, soos bepaal ingevolge artikel 64B(3), deur 'n olie en gas maatskappy, soos in die Tiende Bylae omskryf, verkry uit winste toeskryfbaar aan sy olie of gas inkomste (soos omskryf in daardie Bylae) sal vasgestel word ingevolge [die bepaling van] hierdie Wet maar behoudens [die bepaling van] die Tiende Bylae.”. 45
- (2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige dividend wat op of na daardie datum verklaar word.

Wysiging van artikel 30 van Wet 58 van 1962, soos ingevoeg deur artikel 30 van Wet 53 van 1999 en gewysig deur artikel 36 van Wet 59 van 2000, artikel 15 van Wet 5 van 2001, artikel 15 van Wet 19 van 2001, artikel 39 van Wet 60 van 2001, artikel 30 van Wet 74 van 2002, artikel 16 van Wet 16 van 2004 en artikel 24 van Wet 20 van 2006 50

25. (1) Artikel 30 van die Inkomstebelastingwet, 1962, word hierby gewysig- 55
- (a) deur in subartikel (1) subparagraaf (ii) in paragraaf (a) van die omskrywing van "openbare weldaadsorganisasie" deur die volgende paragraaf te vervang:

- "(ii) any [agency or] branch within the Republic of any company, association or trust incorporated, formed or established in terms of the laws of any country other than the Republic that is exempt from tax on income in that other country;"
- (b) by the deletion in subsection (3) of the proviso to subparagraph (ii) of paragraph (b);
- (e) by the substitution in subsection (3)(b)(iii) for the words preceding item (aa) of the following words:
- "in the case of a public benefit organisation contemplated in paragraph (a)(i) of the definition of 'public benefit organisation' in subsection (1), [is] required on dissolution to transfer its assets to-";
- (d) by the substitution in subsection (3)(b)(iiiA) for the words preceding item (aa) of the following words:
- "in the case of [an agency or] ~~a~~ branch of a public benefit organisation contemplated in paragraph (a)(ii) of the definition of 'public benefit organisation' in subsection (1), is required on termination of its activities in the Republic to transfer the assets of such [agency or] branch to-"
- (e) by the substitution for subsection (7) of the following subsection:
- "(7) If the organisation fails to transfer, or to take reasonable steps to transfer, its assets as contemplated in subsection (6), an amount equal to the market value of those assets which have not been transferred, less an amount equal to the *bona fide* liabilities of the organisation, must for purposes of this Act be deemed to be an amount of taxable income which accrued to such organisation during the year of assessment in which approval was withdrawn."
- (2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of section 30A of Act 58 of 1962, as inserted by section 25 of Act 20 of 2006

26. (I) Section 30A of the Income Tax Act, 1962, is hereby amended-
- (a) by the substitution for subsection (4) of the following subsection:
- "(4) Where a club applies for approval before the later of 31 March 2009 or the last day of its first year of assessment, then the Commissioner may approve that club for purposes of this section, or for the purposes of any provision contained in section 10 prior to its amendment by section ~~10(1)(l)]~~ 10(1)(k) of the Revenue Laws Amendment Act, 2006, with retrospective effect."; and
- (b) by the substitution for subsections (7) and (8), respectively, of the following subsections:
- "(7) If the Commissioner has withdrawn the approval of a recreational club, that club must within six months after the date of that withdrawal (or such longer period as the Commissioner may allow) transfer or take reasonable steps to transfer its remaining assets to another recreational club approved in terms of this section or to a public benefit organisation [approved] contemplated in terms of paragraph (a)(i) of the definition of 'public benefit organisation' [that is exempt from normal tax in terms of section ~~10(1)(cN)]~~ which has been approved in terms of section 30(3) and which club or organisation is not a connected person in relation to that club.
- (8) If the recreational club fails to transfer, or to take reasonable steps to transfer, its assets as contemplated in subsection (7), an amount equal to the market value of those assets which have not been transferred less an amount equal to the *bonafide* liabilities of that recreational club must for purposes of this Act be deemed to be an amount of taxable income which accrued to that recreational club during the year of assessment in which approval was withdrawn."

- "(ii) 'n [agentskap of] tak binne die Republiek is van enige maatskappy, vereniging of trust opgerig, ingelyf of ingestel ingevolge die wette van 'n land behalwe die Republiek en wat van belasting op inkomste in daardie ander land vrygestel is";
- (b) deur in subartikel (3) die voorbehoudsbepaling tot subparagraaf (ii) van paragraaf (b) te skrap;
- (e) deur in subartikel (3)(b)(iii) van die Engelse teks die woorde wat item (00) voorafgaan deur die volgende woorde te vervang:
- "in the case of a public benefit organisation contemplated in paragraph (o)(i) of the definition of 'public benefit organisation' in subsection (1), [is] required on dissolution to transfer its assets to—";
- (d) deur in subartikel (3)(b)(iiiA) die woorde wat item (00) voorafgaan deur die volgende woorde te vervang:
- "in die geval van 'n [agentskap of] tak van 'n openbare weldaadsorganisasie in paragraaf (a)(ii) van die omskrywing van 'openbare weldaadsorganisasie' in subartikel (1) bedoel, verplig word om by beeindiging van sy aktiwiteite in die Republiek die bates van daardie [agentskap of] tak oor te dra aan—";
- (e) deur subartikel (7) van die Engelse teks deur die volgende subartikel te vervang:
- "(7) If the organisation fails to transfer, or to take reasonable steps to transfer, its assets as contemplated in subsection (6), an amount equal to the market value of those assets which have not been transferred, less an amount equal to the *bona fide* liabilities of the organisation, must for purposes of this Act be deemed to be an amount of taxable income which accrued to such organisation during the year of assessment in which approval was withdrawn."
- (2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing len opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Wysiging van artikel 30A van Wet 58 van 1962, soos ingevoeg deur artikel 25 van Wet 20 van 2006

26. (1) Artikel 30A van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur subartikel (4) van die Engelse teks deur die volgende subartikel te vervang:
- "(4) Where a club applies for approval before the later of 31 March 2009 or the last day of its first year of assessment, then the Commissioner may approve that club for purposes of this section, or for the purposes of any provision contained in section 10 prior to its amendment by section [10(1)(1)] 10(1)(k) of the Revenue Laws Amendment Act, 2006, with retrospective effect."; en
- (b) deur onderskeidelik subartikel (7), en subartikel (8) van die Engelse teks, deur die volgende subartikels te vervang:
- "(7) Indien die Kommissaris die goedkeuring van 'n ontspanningsklub ingetrek het, moet daardie klub binne ses maande na die datum van daardie intrekking (of sodanige langer tydperk as wat die Kommissaris mag toelaat), sy oorblywende bates oordra of redelike stappe neem om dit oor te dra na 'n ander ontspanningsklub goedgekeur ingevolge hierdie artikel of aan 'n openbare weldaadsorganisasie [goedgekeur] soos bedoel ingevolge paragraaf (a)(i) van die omskrywing van openbare weldaadsorganisasie [wat vrygestel is van normale belasting ingevolge artikel 10 (1) (eN)] wat goedgekeur is ingevolge artikel 30(3) en welke klub of organisasie nie 'n verbonde persoon met betrekking tot daardie klub is nie."
- "(8) If the recreational club fails to transfer, or to take reasonable steps to transfer, its assets as contemplated in subsection (7), an amount equal to the market value of those assets which have not been transferred less an amount equal to the *bona fide* liabilities of that recreational club must for purposes of this Act be deemed to be an amount of taxable income which accrued to that recreational club during the year of assessment in which approval was withdrawn."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 2007 and shall apply in respect of any year of assessment commencing on or after that date.

Repeal of section 32 of Act 58 of 1962, as amended by section 27 of Act 113 of 1993

27. Section 32 of the Income Tax Act, 1962, is hereby repealed.

Amendment of section 37A of Act 58 of 1962, as inserted by section 27 of Act 20 of 2006 5

28. (1) Section 37A of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"For purposes of determining the taxable income derived by a person 10
from carrying on any trade, any cash paid during any year of assessment
commencing on or after 2 November 2006 by that person to a company
or trust shall be deducted from that person's income if-";

(b) by the substitution in subsection (1) for paragraph (b) of the following 15
paragraph:

"(b) that company or trust holds assets solely for purposes contemplated
in [subsection] paragraph (a);";

(c) by the substitution in subsection (1) for paragraph (c) of the following
paragraph:

"(c) that company or trust makes distributions solely for purposes 20
contemplated in [subsection] paragraph (a), or subsection (3) or
(4); and";

(d) by the substitution in subsection (1) for item (aa) of subparagraph (i) of
paragraph (d) of the following item:

"(aa) holds a permit or right in respect of prospecting, exploration, 25
mining or production, an old order right or OP26 right as defined
in item I of Schedule II or any reservation or permission for [the]
or right to the use of the surface of land as contemplated in item 9
of Schedule II [of] to the Mineral and Petroleum Resources
Development Act, 2002 (Act No. 28 of 2002); or"; 30

(e) by the substitution in subsection (2) for subparagraphs (i) and (ii) of paragraph
(b) of the following subparagraphs:

"(i) those financial instruments are issued by a person contemplated in
[paragraph (d)] subsection (1)(d); or 35
(ii) those financial instruments are issued by a person that is a connected
person in relation to a person contemplated in [paragraph (d)]
subsection (1)(d);";

(1) by the substitution in subsection (3) for paragraph (a) of the following
paragraph:

"(a) another company or trust [established in terms of] as contemplated 40
in this section as approved by the Commissioner; or";

(g) by the substitution in subsection (4) for the words preceding paragraph (a) of
the following words:

"If the Minister of Minerals and Energy is satisfied that a company or
trust [established for the purposes] as contemplated in [section] 45
subsection (1)(a)-";

(h) by the renumbering of subsection (5) to subsection (5)(a);

(i) by the insertion in subsection (5) after paragraph (a) of the following
paragraph:

"(b) Where the constitution of a company or the instrument 50
establishing a trust contemplated in this section does not comply with
this section, it shall be deemed to comply for a period not exceeding two
years, if the person responsible in a fiduciary capacity for the funds and
the assets of that company or trust, furnishes the Commissioner with a
written undertaking that that company or trust will be administered in 55
compliance with this section.";

(j) by the substitution in subsection (6) for paragraph (b) of the following
paragraph:

(2) Subartikel (1) word geag op 1 April 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Herroeping van artikel 32 van Wet 58 van 1962, soos gewysig deur artikel 27 van Wet 113 van 1993

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27. Artikel 32 van die Inkomstebelastingwet, 1962, word hierby herroep.

Wysiging van artikel 37A van Wet 58 van 1962, soos ingevoeg deur artikel 27 van Wet 20 van 2006

28. (1) Artikel 37A van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"By die vasstelling van die belasbare inkomste van 'n persoon verkry uit die beoefening van [wat] 'n bedryf [beoefen], word enige kontant deur daardie persoon gedurende enige jaar van aanslag wat op of na 2 November 2006 begin aan 'n maatskappy of trust betaal van daardie persoon se inkomste afgetrek, indien-";
 - (b) deur in subartikel (1) van die Engelse teks paragraaf (b) deur die volgende paragraaf te vervang:

"(b) that company or trust holds assets solely for purposes contemplated in [subsection] paragraph (a);";
 - (c) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:

"(c) daardie maatskappy of trust uitkerings maak uitsluitlik vir die doeleindes in paragraaf (a), of subartikel (3) of (4) bedoel; en";
 - (d) deur in subartikel (1) van die Engelse teks item (aa) van subparagraaf (i) van paragraaf (d) deur die volgende item te vervang:

"(aa) holds a permit or right in respect of prospecting, exploration, mining or production, an old order right or OP26 right as defined in item 1 of Schedule II or any reservation or permission for [the] or right to use of the surface of land as contemplated in item 9 of Schedule II [of] to the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or";
 - (e) deur in subartikel (2) subparagrafe (i) en (ii) in paragraaf (b) deur die volgende subparagrafe te vervang:
 - (i) daardie finansiële instrumente deur 'n persoon in [paragraaf(d)] subartike1 (1)(d) bedoel, uitgereik is; of
 - (ii) daardie finansiële instrumente deur 'n persoon wat 'n verbonde persoon is met betrekking tot die persoon bedoel in [paragraaf (d)] subartikel (1)(d), uitgereik is;";
 - if) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) 'n ander maatskappy of trust [ingevolge] soos bedoel in hierdie artikel [ingestel] soos deur die Kommissaris goedgekeur; of";
 - (g) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Indien die Minister van Minerale en Energie tevrede is dat 'n maatskappy of trust [ingestel vir die doeleindes] soos in subartikel (1) (a) bedoel-";
 - (h) deur subartikel (5) te hernoem na subartikel (5)(a);
 - (i) deur die volgende paragraaf in subartikel (5) na paragraaf (a) in te voeg:

"(b) Waar die konstitusie van 'n maatskappy of die instrument wat 'n trust bedoel in hierdie artikel instel nie aan die bepalings van hierdie artikel voldoen nie, word dit geag aldus te voldoen vir 'n tydperk van hoogstens twee jaar, indien die persoon wat in 'n fidusiële hoedanigheid verantwoordelik is vir die fondse en bates van daardie maatskappy of trust die Kommissaris van 'n skriftelike onderneming voorsien dat die maatskappy of trust ooreenkomstig hierdie artikel geadministreer sal word.";
 - (j) deur in subartikel (6) paragraaf (b) deur die volgende paragraaf te vervang:

"(b) word die bedrag ingevolge paragraaf (a) geag, by die inkomste van 'n persoon in subartikel (1)(d) bedoel ingesluit vir die jaar van

- "(b) the deemed amount contemplated in paragraph (a) shall be included in the income of the person contemplated in subsection (1)(d) for the year of assessment [of a person contemplated in subsection (1)(d)] of that person during which that contravention occurred to the extent that other property is (directly or indirectly) derived from cash paid by that person to that company or trust.";
- (k) by the substitution in subsection (7) for paragraph (d) of the following paragraph:
- "(d) transfer to another company, trust, or account established for the purposes contemplated in subsection (1)(a)[-
- (i) an amount of taxable income is deemed to accrue equal to the market value of that other property on the first date that company or trust distributes that other property; and
- (ii) the deemed amount contemplated in paragraph (a) shall be included in the income for that year of assessment of a person contemplated in subsection (1)(d) to the extent that other property is (directly or indirectly) derived from cash paid by that person to that company or trust.],
- (i) an amount of taxable income is deemed to accrue equal to the market value of that other property on the first date that company or trust distributes that other property; and
- (ii) the deemed amount contemplated in subparagraph (i) shall be included in the income of the person contemplated in subsection (1)(d) for the year of assessment of that person during which the contravention occurred to the extent that other property is (directly or indirectly) derived from cash paid by that person to that company or trust."; and
- (l) by the substitution in subsection (8) for paragraph (b) of the following paragraph:
- "(b) include the amount contemplated in paragraph (a) [shall be included] in the income of the person contemplated in subsection (1)(d) for the year of assessment [of a person contemplated in subsection (1)(d)] of that person during which the Commissioner is satisfied the contravention occurred to the extent that property is (directly or indirectly) derived from cash paid by that person to that company or trust".

(2) Subsection (1) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

Repeal of section 37E of Act 58 of 1962, as inserted by section 3 of Act 136 of 1991, amended by section 26 of Act 141 of 1992 and section 30 of Act 113 of 1993

29. (1) Section 37E of the Income Tax Act, 1962, is hereby repealed.

(2) Subsection (1) shall come into operation on 29 February 2008.

Amendment of section 38 of Act 58 of 1962, as amended by section 21 of Act 90 of 1962, section 16 of Act 90 of 1964, section 28 of Act 89 of 1969, section 31 of Act 85 of 1974, section 27 of Act 94 of 1983, section 24 of Act 121 of 1984, section 32 of Act 53 of 1999, section 36 of Act 30 of 2000, section 43 of Act 60 of 2001 and section 34 of Act 74 of 2002

30. (1) Section 38 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph (d) of the following paragraph:

"(d) any co-operative [formed and incorporated or deemed to be formed and incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981)];".

(2) Subsection (1) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

aanslag van daardie persoon waartydens die oortreding plaasgevind het, in die mate wat daardie ander eiendom (direk of indirek) verkry was uit kontant wat deur daardie persoon aan daardie maatskappy of trust betaal is.";

- (k) deur in subartikel (7) paragraaf (d) deur die volgende paragraaf te vervang: 5
 "(d) oorplasing na 'n ander maatskappy, trust of rekening ingestel vir die doel in subartikel (1) (a) bedoel[-

(i) word 'n bedrag belasbare inkomste geag toe te geval bet wat gelykstaande is aan die markwaarde van daardie ander eiendom op die eerste datum wat daardie maatskappy of trust daardie ander eiendom uitkeer; en 10

(ii) word die geagte bedrag in paragraaf (a) bedoel, by die inkomste van 'n persoon in subartikel (1)(d) bedoel ingesluit vir die jaar van aanslag, in die mate wat daardie ander eiendom (direk of indirek) verkry is uit kontant deur daardie persoon aan daardie maatskappy of trust hetaal.], 15

(i) word 'n bedrag belasbare inkomste geag toe te geval het wat gelykstaande is aan die markwaarde van daardie ander eiendom op die eerste datum wat daardie maatskappy of trust daardie ander eiendom uitkeer; en 20

(ii) word die geagte bedrag in subparagraaf (i) bedoel, by die inkomste van 'n persoon in subartikel (1)(d) bedoel ingesluit vir die jaar van aanslag van daardie persoon waartydens die oortreding plaasgevind het, in die mate wat daardie ander eiendom (direk of indirek) verkry is uit kontant deur daardie persoon aan daardie maatskappy of trust betaal."; en 25

- (I) deur in subartikel (8) paragraaf (b) deur die volgende paragraaf te vervang:
 "(b) die bedrag in paragraaf (a) bedoel by die inkomste van 'n persoon in subartikel (1)(d) bedoel insluit vir die jaar van aanslag van daardie persoon waartvdens die Kommissaris tevrede is die oortreding plaasgevind het, in die mate wat daardie eiendom (direk of indirek) verkry is uit kontant deur daardie persoon aan daardie maatskappy of trust betaal". 30

(2) Subartikel (1) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig. 35

Herroeping van artikel 37E van Wet 58 van 1962, soos ingevoeg deur artikel 3 van Wet 136 van 1991, gewysig deur artikel 26 van Wet 141 van 1992 en artikel 30 van Wet 113 van 1993

29. (1) Artikel 37E van die Inkomstebelastingwet, 1962, word hierby herroep. 40
 (2) Subartikel (1) tree op 29 Februarie 2008 in werking.

Wysiging van artikel 38 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 90 van 1962, artikel 16 van Wet 90 van 1964, artikel 28 van Wet 89 van 1969, artikel 31 van Wet 85 van 1974, artikel 27 van Wet 94 van 1983, artikel 24 van Wet 121 van 1984, artikel 32 van Wet 53 van 1999, artikel 36 van Wet 30 van 2000, artikel 43 van Wet 60 van 2001 en artikel 34 van Wet 74 van 2002 45

30. (1) Artikel 38 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf (d) deur die volgende paragraaf te vervang:

"(d) 'n kooperasie [opgerig en ingelyf of geag opgerig en ingelyf te wees kragtens die Kooperasiewet, 1981 (Wet No. 91 van 1981)];". 50

(2) Subartikel (1) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Amendment of section 40B of Act 58 of 1962, as inserted by section 17 of Act 96 of 1985, repealed by section 29 of Act 101 of 1990 and inserted by section 31 of Act 113 of 1993

31. (1) The Income Tax Act, 1962, is hereby amended by the substitution for section 40B of the following section:

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"Conversion of co-operative to company

40B. Where any co-operative [incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981),] is incorporated as a company in accordance with the provisions of section 161A or 161C of [that Act] the Co-operatives Act, 1981 (Act No. 91 of 1981) or section 62 of the Co-operatives Act, 2005 (Act No. 14 of 2005), such co-operative and such company shall for purposes of this Act be deemed to be and to have been one and the same company."

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(2) Subsection (1) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

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Amendment of section 41 of Act 58 of 1962 as inserted by section 44 of Act 60 of 2001 and substituted by section 34 of Act 74 of 2002 and amended by section 49 of Act 45 of 2003, section 32 of Act 32 of 2004, section 37 of Act 31 of 2005 and section 28 of Act 20 of 2006

32. Section 41 of the Income Tax Act, 1962, is hereby amended-

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(a) by the substitution in subsection (1) for the proviso to the definition of "base cost" of the following proviso:

" : Provided that where the base cost of an asset as at a specific date is to be determined as contemplated in paragraph 26 or 27 of the Eighth Schedule, the amount thereof must, for purposes of section 42, 43 or 44, be determined as if that asset had been disposed of on that date for [proceeds] an amount received or accrued equal to the market value of that asset as at that date; "

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(b) by the deletion in subsection (1) of the definition of "equity share";

(c) by the substitution in subsection (1) for paragraph (c) of the definition of "foreign financial instrument holding company" of the following paragraph:

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"(c) any financial instrument held by any influenced company in relation to that foreign company if that influenced company is [a] an influenced company as contemplated in paragraph (b) of the definition of 'domestic financial instrument holding company' ";

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(d) by the substitution in subsection (1) for the words preceding paragraph (i) of the proviso to the definition of "foreign financial instrument holding company" of the following words:

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" : Provided that in determining whether [more than] the prescribed proportion of the assets of the company and all influenced companies consist of financial instruments,-";

(e) by the deletion in subsection (1) of the word "or" after the proviso to the definition of "prescribed proportion";

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(j) by the substitution in subsection (4) for subparagraph (ii) of paragraph (a) of the following subparagraph:

"(ii) that company has disposed of all assets and has settled all liabilities (other than assets required to satisfy any reasonably anticipated liabilities to any sphere of government of any country and costs of administration relating to the administration Or winding-up)[, unless the Commissioner otherwise allows for a period which the Commissioner deems reasonable to enable that company to take adequate steps to wind down the business of the company]; and"; and

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Wysiging van artikel 40B van Wet 58 van 1962, soos ingevoeg deur artikel 17 van Wet 96 van 1985, herroep deur artikel 29 van Wet 101 van 1990 en ingevoeg deur artikel 31 van Wet 113 van 1993

31. (1) Die Inkomstebelastingwet, 1962, word hierby gewysig deur artike140B deur die volgende artikel te vervang:

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"Omskakeling van kooperasie in maatskappy

40B. Waar 'n kooperasie [wat ingevolge die Kooperasiewet, 1981 (Wet No. 91 van 1981), ingelyf is,] ooreenkomstig die bepalings van artikel 161A of 161C van [daardie Wet] die Kooperasiewet, 1981 (Wet No. 91 van 1981), of artikel62 van die 'Co-operatives Act, 2005' (Wet No. 14 van 2005), as 'n maatskappy ingelyf word, word bedoelde kooperasie en bedoelde maatskappy by die toepassing van hierdie Wet geag een en dieselfde maatskappy te wees en te gewees het."

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(2) Subartikel (1) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

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Wysiging van artikel41 van Wet 58 van 1962 soos ingevoeg deur artikel44 van Wet 60 van 2001 en vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 49 van Wet 45 van 2003, artikel32 van Wet 32 van 2004, artikel37 van Wet 31 van 2005 en artikel28 van Wet 20 van 2006

32. Artike141 van die Inkomstebelastingwet, 1962, word hierby gewysig-

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(a) deur in subartikel (1) die voorbehoudsbepaling tot die omskrywing van "basiskoste" deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat waar die basiskoste van 'n bate op 'n bepaalde datum vasgestel moet word soos in paragraaf 26 of 27 van die Agtste Bylae beoog, die bcdrag daarvan, vir doeleindes van artikel 42, 43 of 44, bepaal moet word asof daar oor die bate op daardie datum beskik is vir 'n [opbrengs] bedrag ontvang of toegeval gelykstaande aan die markwaarde van daardie bate op daardie datum;"

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(b) deur in subartikel (1) die omskrywing van "ekwiteitsaandeel" te skrap;

(e) deur in subartikel (1) van die Engelse teks paragraaf (e) van die omskrywing van "foreign financial instrument holding company" deur die volgende paragraaf te vervang:

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"(e) any financial instrument held by any influenced company in relation to that foreign company if that influenced company is [a] an influenced company as contemplated in paragraph (b) of the definition of 'domestic financial instrument holding company' ";

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(d) deur in subartikel (1) die woorde wat paragraaf (i) van die voorbehoudsbepaling tot die omskrywing van "buitelandse finansiële instrumenthouermaatskappy" voorafgaan deur die volgende woorde te vervang:

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"Met dien verstande dat by die berekening of [meer as] die voorgeskrewe proporsie van die bates van die maatskappy en aile beïnvloede maatskappye uit finansiële instrumente bestaan-";

(e) deur in subartikel (1) die woord "of" na die voorbehoudsbepaling tot die omskrywing van "voorgeskrewe proporsie" te skrap;

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(d) deur in subartikel (4) subparagraaf (ii) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(ii) daardie maatskappy oor aile bates beskik het en aile verpligtinge vereffen het (behalwe bates benodig om enige redelike verwagte verpligting teenoor enige vlak van regering van enige land en koste van administrasie wat met die likwidasië verband hou, te delg)[, tensy die Kommissaris 'n ander tydperk wat die Kommissaris redelik ag om daardie maatskappy in staat te stel om die nodige stappe te neem om die besigheid van die maatskappy te beëindig, toelaat]; en"; en

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- (g) by the substitution in subsection (4) for paragraph (d) of the following paragraph:

“(d) all the returns or information required to be submitted or furnished to the Commissioner in terms of any Act administered by the Commissioner by the end of the relevant period [of six months] within which the steps contemplated in this subsection must be taken, have been submitted or furnished or arrangements have been made with the Commissioner for the submission of any outstanding returns or furnishing of information.”.

Amendment of section 42 of Act 58 of 1962, as amended by section 21 of Act 88 of 1965, section 17 of Act 95 of 1967, section 29 of Act 89 of 1969, section 19 of Act 52 of 1970, section 23 of Act 88 of 1971, section 18 of Act 90 of 1972, section 22 of Act 65 of 1973, section 32 of Act 85 of 1974, section 22 of Act 69 of 1975, section 18 of Act 103 of 1976, section 19 of Act 113 of 1977, section 20 of Act 91 of 1982, section 28 of Act 94 of 1983, section 31 of Act 129 of 1991, section 27 of Act 141 of 1992, section 23 of Act 21 of 1994, section 25 of Act 21 of 1995, section 44 of Act 60 of 2001, section 34 of Act 74 of 2002, section 50 of Act 45 of 2003, section 33 of Act 32 of 2004, section 38 of Act 31 of 2005 and section 29 of Act 20 of 2006

33. Section 42 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3)(a)(ii) for the words preceding item (aa) of the following words:

“that person and that company must be deemed to be one and the same person for purposes of determining the amount of any allowance or deduction-”.

Amendment of section 44 of Act 58 of 1962, as inserted by section 44 of Act 60 of 2001, amended by section 34 of Act 74 of 2002, section 52 of Act 45 of 2003, and section 40 of Act 31 of 2005

34. (1) Section 44 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (3)(a)(ii) for the words preceding item (aa) of the following words:

“that amalgamated company and that resultant company must be deemed to be one and the same person for purposes of determining the amount of any allowance or deduction-”;

- (b) by the substitution in subsection (6)(a)(i) for the words preceding item (aa) of the following words:

“a person disposes of any equity shares in an amalgamated company [in return for] as a result of the liquidation, winding up or deregistration of that amalgamated company and acquires equity shares in the resultant company as part of an amalgamation transaction in respect of which subsection (2) or (3) applied, which equity shares in the resultant company are acquired-”;

- (e) by the insertion after subsection (9) of the following subsection:

“(9A) Where subsection (9) applies-

- (a) the resultant company's equity share capital (including any share premium) arising from the amalgamation transaction must be deemed to be a profit not of a capital nature available for distribution to its shareholders for the purposes of paragraph (i) of the first proviso to the definition of 'dividend' to the extent of any profits distributed by the amalgamated company in terms of subsection (9); and

- (b) those deemed profits must be deemed to have arisen immediately prior to the date on which the resultant company became part of any group of companies.”; and

- (d) by the substitution in subsection (13) for paragraph (a) of the following paragraph:

“(a) has not, within a period of [six] 18 months after the date of the amalgamation transaction, or such further period as the Commissioner may allow, taken the steps contemplated in section 41(4) to liquidate, wind up or deregister; or”.

- (g) deur in subartikel (4) paragraaf (d) deur die volgende paragraaf te vervang:
 "(d) aile opgawes of inligting wat by die Kommissaris ingedien of aan hom voorsien moet word ingevolge enige Wet wat deur die Kommissaris geadministreer word, voor die einde van die betrokke tydperk [van ses maande] waartydens die stappe soos in hierdie subartikel beoog geneem moes gewees het, ingedien ofvoorsien het of reelings getref is met die Kommissaris vir die indiening van enige uitstaande opgawes of die verskaffing van inligting.".

Wysiging van artikel 42 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 88 van 1965, artikel 17 van Wet 95 van 1967, artikel 29 van Wet 89 van 1969, artikel 19 van Wet 52 van 1970, artikel 23 van Wet 88 van 1971, artikel 18 van Wet 90 van 1972, artikel 22 van Wet 65 van 1973, artikel 32 van Wet 85 van 1974, artikel 22 van Wet 69 van 1975, artikel 18 van Wet 103 van 1976, artikel 19 van Wet 113 van 1977, artikel 20 van Wet 91 van 1982, artikel 28 van Wet 94 van 1983, artikel 31 van Wet 129 van 1991, artikel 27 van Wet 141 van 1992, artikel 23 van Wet 21 van 1994, artikel 25 van Wet 21 van 1995, artikel 44 van Wet 60 van 2001, artikel 34 van Wet 74 van 2002, artikel 50 van Wet 45 van 2003, artikel 33 van Wet 32 van 2004, artikel 38 van Wet 31 van 2005 en artikel 29 van Wet 20 van 2006

33. Artikel 42 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3)(a)(ii) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:

"word daardie persoon en daardie maatskappy geag een en dieselfde persoon te wees vir doeleindes van die berekening van die toelae of aftrekking."

Wysiging van artikel 44 van Wet 58 van 1962, soos ingevoeg deur artikel 44 van Wet 60 van 2001, gewysig deur artikel 34 van Wet 74 van 2002, artikel 52 van Wet 45 van 2003 en artikel 40 van Wet 31 van 2005

34. (1) Artikel 44 van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur in subartikel (3)(a)(ii) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:
 "word daardie geamalgameerde maatskappy en daardie gevolglike maatskappy geag een en dieselfde persoon te wees vir doeleindes van die berekening van enige toelae of aftrekking;"
- (b) deur in subartikel (6)(a)(i) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:
 "'n persoon oor ekwiteitsaandeel in 'n geamalgameerde maatskappy beskik [in roil vir] as gevolg van die likwidasië of deregistrasie van daardie geamalgameerde maatskappy en ekwiteitsaandeel in die gevolglike maatskappy verkry as deel van 'n amalgamasietransaksie ten opsigte waarvan subartikel (2) of (3) van toepassing was, welke ekwiteitsaandeel in die gevolglike maatskappy verkry is-;"
- (c) deur na subartikel (9) die volgende subartikel in te voeg:
"(9A) Waar subartikel (9) van toepassing is—
 (a) moet die gevolglike maatskappy se ekwiteitsaandeelkapitaal (ingesluit enige aandeelpremie) wat voortvloei uit die amalgamasietransaksie geag word 'n wins van 'n nie-kapitale aard te wees beskikbaar vir uitkering aan sy aandeelhouers vir doeleindes van paragraaf (i) van die eerste voorbehoudsbepaling tot die omskrywing van 'dividend' tot die mate van enige winste uitgekeer deur die geamalgameerde maatskappy ingevolge subartikel (9); en
 (b) moet daardie geagte winste geag word te ontstaan het onmiddellik voor die datum waarop die gevolglike maatskappy deel van enige groep van maatskappye geword het."; en
- (d) deur in subartikel (13) paragraaf (a) deur die volgende paragraaf te vervang:
 "(a) nie binne 'n periode van [6] 18 maande na die datum van die amalgamasietransaksie, of die verdere tydperk wat die Kommissaris toelaat, stappe bedoel in artikel 41(4) om te likwideer of te deregistreer gedoen het nie; of"

(2) Subsection (1)(c) shall be deemed to have come into operation on 21 February 2007 and applies to any reduction or redemption of the share capital or share premium of a resultant company, including the acquisition by that company of its shares in terms of section 85 of the Companies Act, 1973 (Act No. 61 of 1973) on or after that date.

Amendment of section 45 of Act 58 of 1962, as amended by section 24 of Act 55 of 1966, section 18 of Act 95 of 1967, section 25 of Act 21 of 1995, section 44 of Act 60 of 2001, section 34 of Act 74 of 2002, section 53 of Act 45 of 2003, section 35 of Act 32 of 2004 and section 41 of Act 31 of 2005

35. Section 45 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (3)(a)(ii) for the words preceding item (aa) of the following words:
 "that transferor company and that transferee company must be deemed to be one and the same person for purposes of determining the amount of any allowance or deduction-" ; and
- (b) by the substitution in subsection (6) for subparagraph (iv) of paragraph (a) of the following subparagraph:
 "(iv) that financial instrument constitutes an equity share in [a] an influenced company in relation to that transferor company and that influenced company is not a domestic financial instrument holding company or foreign financial instrument holding company immediately prior to that disposal; or".

Amendment of section 46 of Act 58 of 1962, as amended by section 25 of Act 21 of 1995, section 44 of Act 60 of 2001, section 34 of Act 74 of 2002, section 54 of Act 45 of 2003, section 36 of Act 32 of 2004 and section 42 of Act 31 of 2005

36. (I) Section 46 of the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subsection (4) for paragraphs (a) and (b) of the following paragraphs:
 "(a) in the year of assessment during which that shareholder becomes entitled to dispose of those shares, which portion shall be an amount which bears to such gain the same ratio as that contemplated in subsection [(3)(b)] (3)(a); and
 (b) in the year of assessment during which that person becomes entitled to dispose of the [the previously held] unbundling shares, which portion shall be calculated by reducing such gain by the amount which has been determined or is to be determined in terms of paragraph (a).";
- (b) by the substitution in subsection (7) for paragraph (a) of the following paragraph:
 "(a) where the unbundling company or the unbundled company is a domestic financial instrument holding company immediately after that [disposal] distribution; or"; and
- (c) by the substitution in subsection (7) for subparagraphs (i) and (ii) of paragraph (b) of the following subparagraphs:
 "(i) who is not subject to normal tax [(or 'tax' as defined in the Tax on Retirement Funds Act, 1996),] in the Republic or who is subject to such tax in the Republic at a reduced rate as a result of the application of any agreement for the avoidance of double taxation; and
 (ii) who either alone or together with any connected person in relation to that shareholder acquires 20 per cent or more [than five percent] of those shares.".

(2) Subsection (1)(c) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any unbundling transaction entered into on or after that date.

(2) Subartikel (1)(c) word geag op 21 Februarie 2007 in werking te getree het en is van toepassing ten opsigte van enige vermindering of aflossing van die aandeelkapitaal of aandeelpremie van 'n gevolglike maatskappy, ingesluit die verkryging deur daardie maatskappy van sy aandele ingevolge artikel 85 van die Maatskappywet, 1973 (Wet No. 61 van 1973), op of na daardie datum.

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Wysiging van artikel 45 van Wet 58 van 1962, soos gewysig deur artikel 24 van Wet 55 van 1966, artikel 18 van Wet 95 van 1967, artikel 25 van Wet 21 van 1995, artikel 44 van Wet 60 van 2001, artikel 34 van Wet 74 van 2002, artikel 53 van Wet 45 van 2003, artikel 35 van Wet 32 van 2004 en artikel 41 van Wet 31 van 2005

35. Artikel 45 van die Inkomstebelastingwet, 1962, word hierby gewysig- 10

(a) deur in subartikel (3)(a)(ii) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:

"word daardie oordraggewende maatskappy en daardie oordragnemende maatskappy geag een en dieselfde persoon te wees vir doeleindes van die berekening van die toelae of aftrekking."; en

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(b) deur in subartikel (6) van die Engelse teks subparagraaf (iv) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(iv) that financial instrument constitutes an equity share in [a] an influenced company in relation to that transferor company and that influenced company is not a domestic financial instrument holding company or foreign financial instrument holding company immediately prior to that disposal; or".

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Wysiging van artikel 46 van Wet 58 van 1962, soos gewysig deur artikel 25 van Wet 21 van 1995, artikel 44 van Wet 60 van 2001, artikel 34 van Wet 74 van 2002, artikel 54 van Wet 45 van 2003, artikel 36 van Wet 32 van 2004 en artikel 42 van Wet 31 van 2005

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36. (1) Artikel 46 van die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subartikel (4) paragrafe (a) en (b) deur die volgende paragrafe te vervang:

"(a) in die jaar van aanslag waarin daardie aandeelhouer geregtig word om 001' daardie aandele te beskik, welke gedeelte 'n bedrag uitmaak wat tot die wins in dieselfde verhouding staan as dié in subartikel [(3)(b)] (3)(a) bedoel; en

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(b) in die jaar van aanslag waarin daardie persoon geregtig word om 001' daardie ontbondelde aandele [voorheen gehou] te beskik, welke gedeelte bepaal word deur daardie wins te verminder deur die bedrag wat ingevolge paragraaf (a) bepaal is of word.";

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(b) deur in subartikel (7) van die Engelse teks paragraaf (a) deur die volgende paragraaf te vervang:

"(a) where the unbundling company or the unbundled company is a domestic financial instrument holding company immediately after that [disposal] distribution; or"; en

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(c) deur in subartikel (7) subparagrafe (i) en (ii) van paragraaf (b) deur die volgende subparagrafe te vervang:

"(i) wat nie aan normale belasting [(of 'belasting' soos in die Wet op Belasting op Uittreefondse, 1996, omskryf)] in die Republiek onderhewig is nie of wat onderhewig is aan sodanige belasting in die Republiek teen 'n verminderde koers weens die toepassing van enige ooreenkoms vir die vermyding van dubbele belasting; en

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(ii) wat 6 faileen 6ftesame met'n verbonde persoon met betrekking tot daardie aandeelhouer, 20 persent of meer [as vyf persent] van daardie aandele verkry.".

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(2) Subartikel (1)(c) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige ontbondelingstransaksie wat op of na daardie datum aangegaan word.

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Amendment of section 47 of Act 58 of 1962, as amended by section 25 of Act 21 of 1995, section 34 of Act 74 of 2002, section 55 of Act 45 of 2003, section 37 of Act 32 of 2004, section 43 of Act 31 of 2005 and section 31 of Act 20 of 2006

37. (1) Section 47 of the Income Tax Act, 1962, is hereby amended-
- (a) by the substitution in subsection (1) for subparagraph (i) of paragraph (a) of the following subparagraph:
 - "(i) is subject to normal tax [(or 'tax' as defined in the Tax on Retirement Funds Act, 1996)] in the Republic, unless that company is subject to tax in the Republic at a reduced rate as a result of the application of any agreement for the avoidance of double taxation; and";
 - (b) by the substitution in subsection (3)(a)(ii) for the words preceding item (aa) of the following words:
 - "that liquidating company and that holding company must be deemed to be one and the same person for purposes of determining the amount of any allowance or deduction-s-";
 - (c) by the substitution in subsection (3A) for paragraph (a) of the following paragraph:
 - "(a) equity shares held by that holding company in that liquidating company are [cancelled] disposed of as a result of the liquidation, winding up or deregistration of that liquidating company; and";
 - (d) by the substitution in subsection (6) for subparagraph (i) of paragraph (c) of the following subparagraph:
 - "(i) has not, within a period of six months after the date of the liquidation distribution, or such further period as the Commissioner may allow, taken the steps contemplated in section 41(4) to liquidate, wind up or deregister; or".

(2) Subsection (1)(a) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any liquidation distribution made on or after that date.

Amendment of section 56 of Act 58 of 1962, as amended by section 18 of Act 90 of 1964, section 25 of Act 55 of 1966 section 33 of Act 89 of 1969, section 38 of Act 85 of 1974, section 21 of Act 113 of 1977, section 13 of Act 101 of 1978, section 23 of Act 96 of 1981, section 31 of Act 94 of 1983, section 4 of Act 30 of 1984, section 28 of Act 121 of 1984, section 18 of Act 96 of 1985, section 21 of Act 85 of 1987, section 26 of Act 90 of 1988, section 28 of Act 141 of 1992, section 32 of Act 113 of 1993, section 18 of Act 36 of 1996, section 39 of Act 30 of 1998, section 38 of Act 30 of 2000, section 41 of Act 59 of 2000, section 45 of Act 60 of 2001, section 24 of Act 30 of 2002, section 35 of Act 74 of 2002, section 56 of Act 45 of 2003, section 38 of Act 32 of 2004, section 45 of Act 31 of 2005 and section 27 of Act 9 of 2006

38. (1) Section 56 of the Income Tax Act, 1962, is hereby amended-
- (a) by the insertion in subsection (1) after paragraph (e) of the following paragraph:
 - "~~(f)~~ made by or to or for the benefit of any traditional council, traditional community or any tribe referred to in section (10)(1)(t)(vii); and
 - (b) by the substitution in subsection (1) for paragraph (h) of the following paragraph:
 - "(h) by or to any person (including any government) referred to in section 10(1)(a), (b), (cA), (cE), (eN), (cO), (d) or (e);".

(2) Subsection (1)(a) shall be deemed to have come into operation on 7 February 2007 and shall apply in respect of any donation made on or after that date.

(3) Subsection (1)(b) shall be deemed to have come into effect on 1 April 2007 and shall apply in respect of any donation made on or after that date.

Wysiging van artikel 47 van Wet 58 van 1962, soos gewysig deur artikel 25 van Wet 21 van 1995, artikel 34 van Wet 74 van 2002, artikel 55 van Wet 45 van 2003, artikel 37 van Wet 32 van 2004, artikel 43 van Wet 31 van 2005 en artikel 31 van Wet 20 van 2006

37. (1) Artikel 47 van die Inkomstebelastingwet, 1962, word hierby gewysig- 5
 (a) deur in subartikel (1) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(i) aan normale belasting [(of 'belasting' soos in die Wet op Belasting op Uittreefondse, 1996, omskryf)] in die Republiek onderhewig is, tensy daardie maatskappy onderhewig is aan belasting in die Republiek teen 'n verminderde koers weens die toepassing van enige ooreenkoms vir die vennyding van dubbele belasting; en"; 10

- (b) deur in subartikel (3)(a)(ii) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:

"word daardie likwiderende maatskappy en daardie houermaatskappy geag een en dieselfde persoon te wees vir doeleindes van die bepaling van die bedrag van enige toelaag of aftrekking."; 15

- (c) deur in subartikel (3A) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) ekwiteitsaandeel deur daardie houermaatskappy in daardie likwiderende maatskappy gehou, [gekanselleer] as gevolg van die likwidasië of deregistrasie van daardie likwiderende maatskappv, oor beskik word; en"; en 20

- (d) deur in subartikel (6) subparagraaf (i) van paragraaf (c) deur die volgende subparagraaf te vervang:

"(i) nie binne 'n tydperk van ses maande na die datum van die likwidasië-uikering, of die verdere tydperk wat die Kommissaris toelaat, die stappe in artikel 41(4) bedoel gedoen het om te likwideer of deregistreer nie; of". 25

(2) Subartikel (1)(a) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige likwidasië-uikering wat op of na daardie datum gemaak is. 30

Wysiging van artikel 56 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 90 van 1964, artikel 25 van Wet 55 van 1966, artikel 33 van Wet 89 van 1969, artikel 38 van Wet 85 van 1974, artikel 21 van Wet 113 van 1977, artikel 13 van Wet 101 van 1978, artikel 23 van Wet 96 van 1981, artikel 31 van Wet 94 van 1983, artikel 4 van Wet 30 van 1984, artikel 28 van Wet 121 van 1984, artikel 18 van Wet 96 van 1985, artikel 21 van Wet 85 van 1987, artikel 26 van Wet 90 van 1988, artikel 28 van Wet 141 van 1992, artikel 32 van Wet 113 van 1993, artikel 18 van Wet 36 van 1996, artikel 39 van Wet 30 van 1998, artikel 38 van Wet 30 van 2000, artikel 41 van Wet 59 van 2000, artikel 45 van Wet 60 van 2001, artikel 24 van Wet 30 van 2002, artikel 35 van Wet 74 van 2002, artikel 56 van Wet 45 van 2003, artikel 38 van Wet 32 van 2004, artikel 45 van Wet 31 van 2005 en artikel 27 van Wet 9 van 2006 35 40

38. (1) Artikel 56 van die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in subartikel (1) die volgende paragraaf na paragraaf (e) in te voeg:

m gemaak deur of aan of ten voordeel van enige tradisionele raad, tradisionele gemeenskap of enige stam bedoel in artikel (10)(1)(t)(vii)."; en 45

- (b) deur in subartikel (1) paragraaf (h) deur die volgende paragraaf te vervang:

"(h) deur of aan enige persoon (insluitende enige regering) in artikel 10(1)(a), (b), (cA), (cE), (eN), (cO), (d) of (e) bedoel;". 50

(2) Subartikel (1)(a) word geag op 7 Februarie 2007 in werking te getree het en is van toepassing ten opsigte van enige skenking wat op of na daardie datum gemaak word.

(3) Subartikel (1)(b) word geag op 1 April 2007 in werking te getree het en is van toepassing ten opsigte van enige skenking wat op of na daardie datum gemaak word.

Amendment of section MB of Act 58 of 1962, as inserted by section 20 of Act 95 of 1967, amended by section 35 of Act 89 of 1969, section 20 of Act 52 of 1970, section 19 of Act 90 of 1972, section 41 of Act 85 of 1974, section 33 of Act 94 of 1983, section 7 of Act 108 of 1986, section 32 of Act 90 of 1988, section 34 of Act 113 of 1993, amended by section 34 of Act 113 of 1993, section 12 of Act 140 of 1993, section 24 of Act 21 of 1994, section 29 of Act 21 of 1995, section 21 of Act 36 of 1996, section 13 of Act 46 of 1996, section 25 of Act 28 of 1997, section 35 of Act 53 of 1999, section 39 of Act 30 of 2000, section 42 of Act 59 of 2000, section 18 of Act 5 of 2001, section 48 of Act 60 of 2001, section 36 of Act 74 of 2002, section 58 of Act 45 of 2003, section 40 of Act 32 of 2004, section 47 of Act 31 of 2005 and section 32 of Act 20 of 2006

39. (1) Section MB of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subsection (5) for paragraph (i) of the proviso to paragraph (c) of the following paragraph:

"(i) has not within [six months] the period referred to in section 47(6)(c)(i) taken such steps as contemplated in section 41(4) to liquidate, wind up or deregister that company; or"; and

(b) by the substitution for subsection (13) of the following subsection:

"(13) In the determination of the net amount of any dividend declared by a company which carries on long-term insurance business, the amount to be taken into account in terms of subsection (3) in respect of dividends accrued to the company shall be limited[-

(a)] where the company has established or deemed to have established separate funds as contemplated in section 29A, to dividends accrued on shares constituting an asset in its corporate fund[; or]".

(2) Subsection (1)(b) shall be deemed to have come into operation on 7 February 2007 and shall apply in respect of any dividend cycle commencing on or after that date.

Amendment of section 80C of Act 58 of 1962, as inserted by section 34 of Act 20 of 2006

40. (1) Section 80C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) the legal substance or effect of the avoidance arrangement as a whole is inconsistent with, or differs significantly from, the legal form of its individual steps; or".

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any arrangement (or any step therein or parts thereof) entered into on or after that date.

Amendment of section 80E of Act 58 of 1962, as inserted by section 34 of Act 20 of 2006

41. (1) Section 80E of the Income Tax Act, 1962, is hereby amended-

(a) by the addition in subsection (1) of the word "or" to item (aa) of subparagraph (i) of paragraph (b);

(b) by the addition in subsection (1) of the word "or" to item (bb) of subparagraph (i) of paragraph (b); and

(c) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

"(a) the amounts derived by the party in question are cumulatively subject to income tax by one or more spheres of government of countries other than the Republic [that are subject to tax in another country] which is equal to at least two-thirds of the amount of normal tax which would have been payable in connection with those amounts had they been subject to tax under this Act; or".

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any arrangement (or any step therein or parts thereof) entered into on or after that date.

Wysiging van artikel 64B van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 95 van 1967, gewysig deur artikel 35 van Wet 89 van 1969, artikel 20 van Wet 52 van 1970, artikel 19 van Wet 90 van 1972, artikel 41 van Wet 85 van 1974, artikel 33 van Wet 94 van 1983, artikel 7 van Wet 108 van 1986, artikel 32 van Wet 90 van 1988, artikel 34 van Wet 113 van 1993, gewysig deur artikel 34 van Wet 113 van 1993, artikel 12 van Wet 140 van 1993, artikel 24 van Wet 21 van 1994, artikel 29 van Wet 21 van 1995, artikel 21 van Wet 36 van 1996, artikel 13 van Wet 46 van 1996, artikel 125 van Wet 28 van 1997, artikel 135 van Wet 53 van 1999, artikel 39 van Wet 30 van 2000, artikel 42 van Wet 59 van 2000, artikel 18 van Wet 5 van 2001, artikel 48 van Wet 60 van 2001, artikel 36 van Wet 74 van 2002, artikel 58 van Wet 45 van 2003, artikel 40 van Wet 32 van 2004, artikel 47 van Wet 31 van 2005 en artikel 32 van Wet 20 van 2006

39. (1) Artikel 64B van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur in subartikel (5) paragraaf (i) van die voorbehoudsbepaling tot paragraaf (c) deur die volgende paragraaf te vervang: “ 15
 - “(i) nie binne [ses maande] die tydperk hedoel in artikel 47(6)(c)(i) daardie stappe in artikel 141(4) bedoel, gedoen het om daardie maatskappy te likwideer of te deregistreer nie; of”; en
 - (b) deur subartikel (13) deur die volgende subartikel te vervang: 20
 - “(13) By die vasstelling van die netto bedrag van 'n dividend verklaar deur 'n maatskappy wat langtermynversekeringsbesigheid dryf, word die bedrag wat ingevolge subartikel (3) in berekening gebring moet word ten opsigte van dividende toegeval aan die maatskappy beperk-«
 - (a) waar die maatskappy afsonderlike fondse gestig het of geag word te gestig het soos beoog in artikel 29A, tot dividende toegeval op aandele wat 'n bate in sy korporatiewe fonds uitmaak; of”. 25
- (2) Subartikel (1)(b) word geag op 7-Februarie 2007 in werking te getree het en is van toepassing ten opsigte van enige dividendsiklus wat op of na daardie datum 'n aanvang neem. 30

Wysiging van artikel 80C van Wet 58 van 1962, soos ingevoeg deur artikel 34 van Wet 20 van 2006

40. (1) Artikel 80C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang: 35
- “(a) die regsinhoud of uitwerking van die vernydingsreëling as 'n geheel teenstrydig is met, of wesenlik verskil van, die regsvorm van die individuele stappe daarvan; of”. 35
- (2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige reëling (of enige stappe daarin of gedeelte daarvan) op of na daardie datum aangegaan. 40

Wysiging van artikel 80E van Wet 58 van 1962, soos ingevoeg deur artikel 34 van Wet 20 van 2006

41. (1) Artikel 80E van die Inkomstebelastingwet, 1962, word hierby gewysig-
- (a) deur in subartikel (1) die woord "of" na item (aa) van subparagraaf (i) van paragraaf (b) by te voeg; 45
 - (b) deur in subartikel (1) die woord "of" na item (bb) van subparagraaf (i) van paragraaf (b) by te voeg; en
 - (c) deur in subartikel (3) van die Engelse teks paragraaf (a) deur die volgende paragraaf te vervang:
 - “(a) the amounts derived by the party in question are cumulatively subject to income tax by one or more spheres of government of countries other than the Republic [that are subject to tax in another country] which is equal to at least two-thirds of the amount of normal tax which would have been payable in connection with those amounts had they been subject to tax under this Act; or”, 50
- (2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige reëling (of enige stap daarin of gedeeltes daarvan) op of na daardie datum aangegaan. 55

Amendment of section 80L of Act 58 of 1962, as inserted by section 34 of Act 20 of 2006

42. (I) Section 80L of the Income Tax Act, 1962, is hereby amended-

(a) by the substitution for the definition of "avoidance arrangement" of the following definition:

" 'avoidance arrangement' means any arrangement that, but for this Part, results in a tax benefit;" and

(b) by the substitution for the definition of "tax" of the following definition:

" 'tax' includes any tax, levy or duty imposed by this Act or any other [law] Act administered by the Commissioner;".

(2) Subsection (I) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any arrangement (or any step therein or parts thereof) entered into on or after that date.

Amendment of section 89quat of Act 58 of 1962, as inserted by section 46 of Act 85 of 1974, amended by section 37 of Act 94 of 1983, section 34 of Act 121 of 1984, section 22 of Act 65 of 1986, section 18 of Act 70 of 1989, section 42 of Act 113 of 1993, section 15 of Act 140 of 1993, section 33 of Act 21 of 1995, section 24 of Act 36 of 1996, section 50 of Act 59 of 2000, section 29 of ActS of 2001, section 49 of Act 74 of 2002 and section 17 of Act 34 of 2004

43. (1) Section 89quat of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for paragraph (b) of the following paragraph:

"(b) such taxable income exceeds-

(i) R20 000 in the case of a company;

(ii) R50 000 in the case of any person other than a company,".

(2) Subsection (I) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 19 of the First Schedule to Act 58 of 1962, as added by section 28 of Act 95 of 1967, amended by section 33 of Act 88 of 1971, section 22 of Act 90 of 1972, section 32 of Act 69 of 1975, section 30 of Act 103 of 1976, section 16 of Act 104 of 1979, section 25 of Act 104 of 1980, section 29 of Act 91 of 1982, section 45 of Act 94 of 1983, section 42 of Act 129 of 1991, section 34 of Act 21 of 1995, section 40 of Act 28 of 1997 and section 81 of Act 45 of 2003

44. Paragraph 19 of the First Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2) for item (b) of the following item:

"(b) where the taxpayer is a person referred to in subparagraph (5)(a) and did not carry on farming operations before the commencement of the relevant period [and-

(i) the taxpayer's taxable income from farming for the relevant period does not exceed R5 000, the amount of such taxable income; or

(ii) the taxpayer's taxable income from farming for the relevant period exceeds R5 000 but not R7 500, the amount of R5 000; or

(iii) the taxpayer's taxable income from farming for the relevant period exceeds R7 500, an amount equal to two-thirds of such taxable income.".

Wysiging van artikel 80L van Wet 58 van 1962, soos ingevoeg deur artikel 34 van Wet 20 van 2006

42. (1) Artikel 80L van die Inkomstebclastingwet, 1962, word hierby gewysig-
 (a) deur die omskrywing van "vermydingsreeling" deur die volgende
 omskrywing te vervang: 5
 " 'vermydingsreeling" 'n reeling wat, nieteenstaande hierdie Deel, 'n
belastingvoordeel tot gevolg het."; en
 (b) deur in die EngeJse leks die omskrywing van "belasting" deur die volgende
 omskrywing te vervang:
 " 'tax' includes any tax, levy or duty imposed by this Act or any other 10
 [law] Act administered by the Commissioner;".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige reeling (of enige stap daarin of gedeeltes daarvan) op of na daardie datum aangegaan.

Wysiging van *artikel89quat* van Wet 58 van 1962, soos ingevoeg deur artikel 46 van 15
 Wet 85 van 1974, gewysig deur artikel 37 van Wet 94 van 1983, artikel 34 van Wet
 121 van 1984, artikel 22 van Wet 65 van 1986, artikel 18 van Wet 70 van 1989,
 artikel 42 van Wet 113 van 1993, artikel 15 van Wet 140 van 1993, artikel 33 van
 Wet 21 van 1995, artikel 24 van Wet 36 van 1996, artikel 50 van Wet 59 van 2000,
 artikel29 van Wet 5 van 2001, artikel49 van Wet 74 van 2002 en artikel17 van Wet 20
 34 van 2004

43. (1) Artikel *89quat* van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) paragraaf (b) deur die volgende paragraaf te vervang:

- "(b) bedoelde belasbare inkomste-
 (i) R20000 in die geval van 'n maatskappy; of 25
 (ii) R50 000 in die geval van iemand behalwe 'n maatskappy te bowe
 gaan,".

(2) Subartikel (1) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang 30
 neem.

Wysiging van paragraaf 19 van die Eerste Bylae by Wet 58 van 1962, soos bygevoeg deur artikel28 van Wet 95 van 1967, gewysig deur artikel33 van Wet 88 van 1971, artikel22 van Wet 90 van 1972, artikel 32 van Wet 69 van 1975, artikel 30 van Wet 103 van 1976, artikel16 van Wet 104 van 1979, artikel 25 van Wet 104 van 1980, artikel29 van Wet 91 van 1982, artikel 45 van Wet 94 van 1983, artikel42 van Wet 35
 129 van 1991, artikel 34 van Wet 21 van 1995, artikel 40 van Wet 28 van 1997 en artikel 81 van Wet 45 van 2003

44. Paragraaf 19 van die Eerste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (2) item (b) deur die volgende item te vervang:

- "(b) waar die belastingpligtige 'n [in snbparagraaf(5)(a) bedoelde] persoon 40
bedoel in subparagraaf (5)(a) is en nie voor die begin van die toepaslike
 tydperk boerderybedrywighede beoefen het nie [~~en—~~
 (i) die belastingpligtige se belasbare inkomste nit boerdery vir die
 toepaslike tydperk nie R5 000 te bowe gaan nie, die bedrag van
 daardie belasbare inkomste; of 45
 (ii) die belastingpligtige se belasbare inkomste nit boerdery vir die
 toepaslike tydperk R5 000, maar nie R7 500 nie, te bowe gaan,
 die bedrag van drieduisend rand; of
 (iii) die belastingpligtige se belasbare inkomste nit boerdery vir die
 toepaslike tydperk R7500 te bowe gaan], 'n bedrag [gelyk] 50
gelykstaande aan twee-derdes van daardie belasbare inkomste.".

Amendment of paragraph 20 of the First Schedule to Act 58 of 1962, as added by section 33 of Act 69 of 1975, amended by section 31 of Act 103 of 1976, section 25 of Act 113 of 1977, section 26 of Act 104 of 1980, section 30 of Act 91 of 1982 and section 43 of Act 129 of 1991

45. Paragraph 20 of the First Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subparagraph (I) for the words following item (c) but preceding item (i) of the following words:
 - "the normal tax chargeable (as determined before the deduction of any rebate [or the addition of any loan portion of such tax]) in respect of the taxpayer's taxable income for such year of assessment shall, notwithstanding any other provisions of this Act to the contrary, be determined at an amount equal to the sum of-"; and
- (b) by the substitution in subparagraph (I) for item (ii) of the following item:
 - "(ii) an amount equal to the amount of normal tax (as determined before the deduction of any rebate [or the addition of any loan portion of such tax]) which would have been payable by the taxpayer in respect of the year of assessment if his or her taxable income for that year had been an amount equal to the balance of his or her taxable income for that year (as determined in accordance with subparagraph (4)).".

Amendment of paragraph 1 of the Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 23 of Act 90 of 1964, section 34 of Act 88 of 1971, section 34 of Act 69 of 1975, section 26 of Act 113 of 1977, section 27 of Act 104 of 1980, section 28 of Act 96 of 1981, section 46 of Act 94 of 1983, section 24 of Act 65 of 1986, section 17 of Act 104 of 1979, section 24 of Act 65 of 1986, section 43 of Act 101 of 1990, section 35 of Act 21 of 1995, section 41 of Act 28 of 1997, section 47 of Act 30 of 1998, section 82 of Act 45 of 2003 and section 43 of Act 32 of 2004

46. (I) Paragraph I of the Second Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the deletion of the definition of "formula A";
- (b) by the substitution in the definition of "formula B" for the words in paragraph (b) preceding the proviso of the following words:
 - " 'C' represents an amount [equal to the sum of the amounts calculated in accordance with formula A in relation to the taxpayer in respect of the different pension and provident funds of which he is or was a member and from which any lump sum benefits were or may be derived in consequence of or following upon his retirement or death on or after 15 March 1961, and the aggregate of the lump sum benefits received by or accrued to him from retirement annuity funds in the circumstances described in paragraph 5(1) on or after 15 March 1961 and whether in the current or any previous year of assessment] of R300 000;";
- (c) by the deletion in the definition of "formula B" of the proviso to paragraph (b); and
- (d) by the substitution in the definition of "formula B" for paragraph (c) of the following paragraph:
 - "(c) 'D' represents the sum of the deductions which may have been allowed to the taxpayer in terms of [sub-paragraph (1) of] paragraph 5 of this Schedule [or sub-paragraph (1) of paragraph 5 of the Fourth Schedule to the Income Tax Act, 1941,] in respect of previous years of assessment;"; and
- (e) by the substitution in the definition of "formula B" for the words in paragraph (d) preceding the proviso of the following words:
 - " 'E' represents the sum of-
 - (i) the taxpayer's own contributions to any pension funds, provident funds and retirement annuity funds of which he or she is or was a member and from which any lump sum benefits were or may be

Wysiging van paragraaf 20 van die Eerste Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 33 van Wet 69 van 1975, gewysig deur artikel 31 van Wet 103 van 1976, artikel 25 van Wet 113 van 1977, artikel 26 van Wet 104 van 1980, artikel 30 van Wet 91 van 1982 en artikel 43 van Wet 129 van 1991

45. Paragraaf 20 van die Eerste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in subparagraaf (i) die woorde wat volg op item (c) maar subitem (i) voorafgaan deur die volgende woorde te vervang:

"word, ondanks andersluidende bepalings van hierdie Wet, die nonnale belasting (soos vasgestel v66r die aftrekking van enige korting [of die byvoeging van enige leningsgedeelte] wat hefbaar is ten opsigte van die belastingpligtige se belasbare inkomste vir bedoelde jaar van aanslag, vasgestel op 'n bedrag [gelyk] gelykstaande aan die som van-"; en
- (b) deur in subparagraaf (i) item (ii) deur die volgende item te vervang:

"(ii) 'n bedrag [gelyk] gelykstaande aan die bedrag van nonnale belasting (soos vasgestel v66r die aftrekking van enige korting [of die byvoeging van enige leningsgedeelte]) wat deur die belastingpligtige ten opsigte van die jaar van aanslag betaalbaar sou gewees het indien sy of haar belasbare inkomste vir daardie jaar 'n bedrag was gelyk aan die saldo van sy of haar belasbare inkomste vir daardie jaar (soos volgens voorskrif van subparagraaf (4) vasgestel)."

Wysiging van paragraaf 1 van die Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 23 van Wet 90 van 1964, artikel 34 van Wet 88 van 1971, artikel 34 van Wet 69 van 1975, artikel 26 van Wet 113 van 1977, artikel 27 van Wet 104 van 1980, artikel 28 van Wet 96 van 1981, artikel 46 van Wet 94 van 1983, artikel 24 van Wet 65 van 1986, artikel 17 van Wet 104 van 1979, artikel 24 van Wet 65 van 1986, artikel 43 van Wet 101 van 1990, artikel 35 van Wet 21 van 1995, artikel 41 van Wet 28 van 1997, artikel 47 van Wet 30 van 1998, artikel 82 van Wet 45 van 2003 en artikel 43 van Wet 32 van 2004

46. (1) Paragraaf 1 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur die omskrywing van "formule A" te skrap;
- (b) deur in die omskrywing van "formule 8" die woorde in paragraaf (b) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"'C' 'n bedrag voorsteJ [gelyk aan die som van die bedrae wat ooreenkomstig formule A bereken is met betrekking tot die belastingpligtige ten opsigte van die verskillende pensioen- en voorsorgsfondse waarvan hy 'n lid is of was en waaruit enige enkelbedragvoordele verkry is of mag word as gevolg van of na sy uittreding of dood op of na 15 Maart 1961 en die totaal van die enkelbedragvoordele wat op of na 15 Maart 1961 deur hom ontvang is of aan hom toegeval het uit uittredingannuïteitsfondse onder die omstandighede in paragraaf 5(1) bedoel, hetsy in die lopende of 'n vorige jaar van aanslag] van R300 000;";
- (c) deur in die omskrywing van "formule B" die voorbehoudsbepaling tot paragraaf (b) te skrap;
- (d) deur in die omskrywing van "formule B" paragraaf (e) deur die volgende paragraaf te vervang:

H(c) 'D' die totaal van die aftrekkings voorstel wat ingevolge [subparagraaf (1) van] paragraaf 5 van hierdie Bylae [of subparagraaf (1) van paragraaf 5 van die Vierde Bylae by die Inkomstebelastingwet, 1941,] ten opsigte van vorige jare van aanslag aan die belastingpligtige toegelaat mag gewees het; en";
- (e) deur in die omskrywing van "formule B" die woorde in paragraaf (d) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"'E' die totaal voorstel van-

 - (i) die belastingpligtige se eie bydraes aan pensioenfondse, voorsorgsfondse en uittredingannuïteitsfondse waarvan hy of sy 'n lid is of was en waaruit enkelbedragvoordele verkry is of mag word

derived in consequence of or following upon his or her retirement or death on or after the fifteenth day of March, 1961, including so much of the amounts paid into such funds for his or her benefit by other pension funds, provident funds or retirement annuity funds as represented his or her own contributions to such other funds; and

- (ii) any other amounts in respect of which formula C applies, that have been paid into such funds for the taxpayer's benefit by a pension fund contemplated in paragraph (a) or (b) of the definition of 'pension fund' in section 1, less the amount represented by the symbol A when so applying that formula,

but excluding so much of any [such] contributions or amounts referred to in Subparagraph (i) representing contributions as ranked for deduction against the taxpayer's income in terms of section 11(k) or (n) of this Act or the corresponding provisions of any previous Income Tax Act".

(2) Subject to subsection (3), subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

(3) Subsection (1)(e) shall be deemed to have come into operation on 1 March 2006 and shall apply in respect of any lump sum benefit accrued on or after that date.

Amendment of paragraph 2 of the Second Schedule to Act 58 of 1962, as amended by section 42 of Act 28 of 1997 and section 48 of Act 30 of 1998

47. (1) Paragraph 2 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph 2 of the following paragraph:

"2. Subject to the provisions of [paragraph] paragraphs 2A, 2B and 2C, the amount to be included in the gross income of any person for any year of assessment in terms of paragraph (e) of the definition of 'gross income' in section [one] 1 of this Act shall be=

- (a) the aggregate of the amounts received by or accrued to such person during that year by way of lump sum benefits derived in consequence of or following upon his retirement or death, less the deductions permitted under the provisions of paragraph 5 of this Schedule; and

- (b) the aggregate of [the] any other amounts received by or accrued to such person during that year by way of lump sum benefits [during any year of assessment] from or in consequence of membership or past membership of any pension funds, provident funds or retirement annuity funds, less the deductions permitted under the provisions of paragraph 6 of this Schedule."

(2) Subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

Amendment of paragraph 2A of the Second Schedule to Act 58 of 1962, as amended by section 43 of Act 28 of 1997, section 49 of Act 30 of 1998 and section 44 of Act 32 of 2004

48. (1) Paragraph 2A of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of the proviso.

(2) Subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

Insertion of paragraph 2C into the second Schedule to Act 58 of 1962

49. (1) The Second Schedule to the Income Tax Act, 1962, is hereby amended by the insertion after paragraph 2B of the following paragraph:

"2C. Any lump sum benefit, or part thereof, received or accrued subsequent to the relevant person's retirement or death, or withdrawal or resignation from any pension fund, provident fund or retirement annuity fund or the winding up of any such fund, and in consequence of or following upon an event contemplated by the rules of the pension fund, provident fund or retirement annuity fund or in consequence of the approval of a scheme in terms of section 15B of the Pensions Funds Act, 1956 (Act No. 24 of 1956) or regulation 5.3(1)(b) of the Regulations under the Long-Term Insurance Act, 1998 (Act

as gevolg van of na sy of haar uitreding of dood op of na die vyftiende dag van Maart 1961, met inbegrip van soveel van die bedrae in bedoelde fondse vir sy of haar voordeel deur ander pensioenfondse, voorsorgfondse of uittredingannuueitsfondse betaal as wat sy of haar eie bydraes aan bedoelde ander fondse voorgestel het; en 5

(ii) enige ander bedrae ten opsigte waarvan formule C geld, wat in sodanige fondse vir die belastingpligtige se' voordeel deur 'n pensioenfonds bedoel in paragraaf (a) of (b) van die omskrywing van 'pensioenfonds' in artikkel inbetaal is, min die bedrag wat deur die simbool A voorgestel word wanneer daardie formule aldus toegepas word, 10

maar uitgesonderd soveel van enige [bedoelde] bydraes of bedrae bedoel in subparagraaf (i) wat bydraes voorstel as wat ingevolge artikel II(k) of (11) van hierdie Wet lop] of die ooreenstemmende bepaling van 'n vorige Inkomstebelastingwet teen die inkomste van die belastingpligtige as 'n aftrekking toelaatbaar was". 15

(2) Behoudens subartikel (3) tree subartikel (1) op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel toegeval op of na daardie datum. 20

(3) Subartikel (1)(e) word geag op 1 Maart 2006 in werking te getree het en is van toepassing ten opsigte van enige enkelbedragvoordeel toegeval op of na daardie datum.

Wysiging van paragraaf 2 van die Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 42 van Wet 28 van 1997 en artikel 48 van Wet 30 van 1998

47. (1) Paragraaf 2 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf 2 deur die volgende paragraaf te vervang: 25

"2. Behoudens die bepaling van [paragraaf paragrafe 2A, 2B en 2C, is die bedrag wat ingevolge paragraaf (e) van die omskrywing van 'bruto inkomste' in artikel 1 van hierdie Wet by die bruto inkomste van enige persoon vir enige jaar van aanslag ingesluit moet word[,]= 30

(a) die totaal van die bedrae deur daardie persoon ontvang of aan hom toegeval gedurende daardie jaar by wyse van enkelbedragvoordele voortspruitend uit of as gevolg van sy uittreding of dood, min die toelaatbare aftrekkings ingevolge die bepaling van paragraaf 5 van hierdie Bylae; en 35

(b) die totaal van [die] enige ander bedrae deur so 'n persoon ontvang of aan hom toegeval gedurende daardie jaar by wyse van enkelbedragvoordele [gedurende 'n jaar van aanslag] uit of as gevolg van lidmaatskap of gewese lidmaatskap van pensioenfondse, voorsorgfondse of uittredingannuueitsfondse, min die toelaatbare aftrekkings ingevolge die bepaling van paragraaf 6 van hierdie Bylae." 40

(2) Subartikel (2) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel wat op of na daardie datum toeval.

Wysiging van artikel 2A van die Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 43 van Wet 28 van 1997, artikel 49 van Wet 30 van 1998 en artikel 44 van Wet 32 van 2004 45

48, (1) Paragraaf 2A van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die voorbehoudsbepaling te skrap.

(2) Subartikel (1) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel wat op of na daardie datum toeval. 50

Invoeging van paragraaf 2C in die Tweede Bylae by Wet 58 van 1962

49. (1) Die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende paragraaf na paragraaf 2B in te voeg:

"2C. Enige enkelbedragvoordeel, of gedeelte daarvan, ontvang of toegeval na die betrokke persoon se uittreding of dood of ontrenting of bedanking uit enige pensioenfonds, voorsorgfonds of uittredingannuueitsfonds of die beëindiging van enige sodanige fonds, en as gevolg van of na 'n gebeurtenis 55

No. 52 of 1998), shall not be included in gross income pursuant to paragraph 1 (e) of the definition of 'gross income' in section 1."

(2) Subsection (1) shall come into operation on 1 January 2006.

Amendment of paragraph 3 of the Second Schedule to Act 58 of 1962, as amended by section 47 of Act 94 of 1983 and section 50 of Act 30 of 1998

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50. (1) Paragraph 3 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in paragraph 3 for the proviso of the following proviso:

" : Provided that so much of any tax payable as is due to the [inclusion in the income of such member or past member of any amount in accordance with the] provisions of this paragraph, may be recovered from the person to whom or in whose favour the lump sum benefit in question accrues".

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(2) Subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit deemed to have accrued on or after that date.

Amendment of paragraph 5 of the Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 25 of Act 90 of 1964, section 35 of Act 88 of 1971, section 21 of Act 72 of 1963, section 35 of Act 88 of 1971, section 35 of Act 69 of 1975, section 27 of Act 113 of 1977, section 28 of Act 104 of 1980, section 48 of Act 94 of 1983, section 25 of Act 65 of 1986 and section 37 of Act 20 of 2006

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51. (1) Paragraph 5 of the Second Schedule to the Income Tax Act, 1962, is hereby amended-

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(a) by the substitution in subparagraph (1) for the words preceding item (a) of the following words:

"The deduction to be allowed [in determining the amount required to be included in the taxpayer's gross income for any year of assessment in terms of paragraph 2] for purposes of paragraph 2(a) shall], if the lump sum benefits in question-]";

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(b) by the deletion in subparagraph (1) of items (a), (b) and (c);

(c) by the substitution in subparagraph (1) for the words following item (e) of the following words:

"be an amount (not exceeding the aggregate value of [such] the lump sum benefits derived during that year in consequence of or following upon the taxpayer's retirement or death) equal to the amount determined in accordance with formula B [in relation to such taxpayer, but subject to the provisions of subparagraph (2)];"; and

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(d) by the deletion of subparagraphs (2), (3), (4), (5) and (6).

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(2) Subject to subsection (3), subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

(3) Subsection (1)(b), to the extent that it deletes item (c), shall be deemed to have come into operation on 1 January 2006.

Amendment of paragraph 6 of the Second Schedule to Act 58 of 1962, section 26 of Act 90 of 1964, section 18 of Act 104 of 1979, section 5 of Act 30 of 1984, as amended by section 32 of Act 141 of 1992, section 51 of Act 30 of 1998 and section 38 of Act 20 of 2006

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52. (1) Paragraph 6 of the Second Schedule to the Income Tax Act, 1962, is hereby amended-

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(a) by the substitution for the words preceding subparagraph (1) of the following words:

"The deduction to be allowed in determining the amount required to be included in the taxpayer's gross income for any year of assessment in terms of paragraph 2 shall, if the lump sum benefits in question[-]";

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bedoel in die reëls van die pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds of as gevolg van die goedkeuring van 'n skema ingevolge artikel 15B van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), of regulasie 5.3(1)(b) van die Regulasies uitgereik ingevolge die Langtennynversekeringswet, 1998 (Wet No. 52 van 1998), word nie ingesluit by bruto inkomste op grond van paragraaf (e) van die omskrywing van 'bruto inkomste' in artikel 1 nie." , 5

(2) Subartikel (1) word geag op 1 Januarie 2006 in werking te getree het,

Wysiging van paragraaf 3 van die Tweede Bylae by Wet 58 of 1962, soos gewysig deur artikel 47 van Wet 94 van 1983 en artikel 50 van Wet 30 van 1998 10

50. (1) Paragraaf 3 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in paragraaf 3 die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

“: Met dien verstande dat soveel van enige belasting betaalbaar as wat toe te skryf is aan die [insluiting by die inkomste van bedoelde lid of gewese lid van enige bedrag ingevolge die] bepalings van hierdie paragraaf, verhaal kan word op die persoon aan of ten gunste van wie die betrokke enkelbedragvoordeel toeval". 15

(2) Subartikel (1) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel geag op of na daardie datum toe te val. 20

Wysiging van paragraaf 5 van die Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 25 van Wet 90 van 1964, artikel 35 van Wet 88 van 1971, artikel 21 van Wet 72 van 1963, artikel 35 van Wet 88 van 1971, artikel 35 van Wet 69 van 1975, artikel 27 van Wet 113 van 1977, artikel 28 van Wet 104 van 1980, artikel 48 van Wet 94 van 1983, artikel 25 van Wet 65 van 1986 en artikel 37 van Wet 20 van 2006 25

51. (1) Paragraaf 5 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subparagraaf (I) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang: 30

"Die toelaatbare aftrekking [wat by die vasstelling van die bedrag wat ingevolge] by die toepassing van paragraaf 2(a) [vir enige jaar van aanslag by die belastingpligtige se bruto inkomste ingesluit moet word, is, indien die betrokke enkelbedragvoordele] is-";

(b) deur in subparagraaf (I) items (a), (b) en (e) te skrap; - 35

(e) deur in subparagraaf (1) die woorde wat volg op item (e) deur die volgende woorde te vervang:

“'n bedrag (wat die totale waarde van [bedoelde] die enkelbedragvoordele verkry gedurende daardie jaar van aanslag as gevolg van of na die belastingpligtige se uittreding of dood, nie te bowe gaan nie) [gelyk] gelykstaande aan die bedrag wat], onderworpe aan die bepalings van sub-paragraaf (2),] ooreenkomstig formule B [met betrekking tot so 'n belastingpligtige] vasgestel word;"; en 40

(d) deur subparagrafe (2), (3), (4), (5) en (6) te skrap,

(2) Behoudens subartikel (3) tree subartikel (1) op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel wat op of na daardie datum toeval. 45

(3) Subartikel (1)(b), tot die mate wat dit item (e) skrap, word geag op 1 Januarie 2006 in werking te getree het.

Wysiging van paragraaf 6 van die Tweede Bylae by Wet 58 van 1962, artikel 26 van Wet 90 van 1964, artikel 18 van Wet 104 van 1979, artikel 5 van Wet 30 van 1984, soos gewysig deur artikel 32 van Wet 141 van 1992, artikel 51 van Wet 30 van 1998 en artikel 38 van Wet 20 van 2006 50

52. (1) Paragraaf 6 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig- 55

(a) deur die woorde wat subparagraaf (I) voorafgaan deur die volgende woorde te vervang:

"Die aftrekking wat toegelaat moet word by die vasstelling van die bedrag wat ingevolge paragraaf 2 by die belastingpligtige se bruto

- (b) by the substitution for subparagraph (1) of the following words:
 "[(1)] have been derived in consequence of or following upon his withdrawal or resignation from any pension funds, provident funds or retirement annuity funds or the winding up of any such funds; or],": 5
- (c) by the deletion of subparagraph (2); and
- (d) by the substitution in the proviso for paragraph 0) of the following paragraph:
 "(i) in respect of any lump sum benefits so derived by the taxpayer from any pension fund, provident fund or retirement annuity fund the sum of the deductions under this paragraph shall not be less than the lesser of either- 10
(aa) the aggregate value of such lump sum benefits; or
(bb) the sum of
(A) the taxpayer's own contributions to such fund, including so much of any amounts paid into such fund for his benefit by any other pension fund, provident fund or retirement annuity fund as represented his own contributions to such other fund[,]; and IS
(B) any other amounts in respect of which formula C applies, that have been paid into such funds for the taxpayer's benefit by a pension fund contemplated in paragraph (a) or (b) of the definition of 'pension fund' in section I, less the amount represented by the symbol A when so applying that formula. 20
 but excluding so much of [such] any contributions and 25
 amounts referred to in item (A) representing contributions as ranked for deduction against the taxpayer's income in terms of section II (k) or (n) of this Act or the corresponding provisions of any previous Income Tax Act;".

(2) Subsection (1)(a), (b) and (c) shall be deemed to have come into operation on 1 January 2006. 30

(3) Subsection (1)(d) shall be deemed to have come into operation on 1 March 2006 and shall apply in respect of any lump sum benefit received or accrued on or after that date.

Amendment of paragraph 7 of the Second Schedule to Act 58 of 1962, as amended 35
 by section 27 of Act 88 of 1965, section 29 of Act 95 of 1967, section 36 of Act 88 of 1971 and section 25 of Act 85 of 1987

53. (1) The Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph 7 of the following paragraph:

"7 The normal tax payable in respect of any year of assessment by any person 40
 whose income for that year of assessment includes an amount determined in accordance with the provisions of paragraph (2)(b) of this Schedule, shall, subject to the provisions of section 5 of this Act, be determined in accordance with the provisions of section 5(10) of this Act, but nothing herein contained shall be construed as relieving any person from liability for taxation under this 45
 Act upon any portion of his taxable income."

(2) Subsection (1) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

inkomste vir enige jaar van aanslag ingesluit moet word, is, indien die betrokke enkelbedragvoordele[-]";

- (b) deur subparagraaf (1) deur die volgende woorde te vervang:

"[(1)] as gevolg van of na sy onttrekking aan of bedanking uit enige pensioenfondse, voorsorgsfondse of uittredingannuïteitsfondse of die likwidasië van enige sodanige fondse verkry ;s[, of],"; 5

- (e) deur subparagraaf (2) te skrap; en

- (d) deur in die voorbehoudsbepaling paragraaf (i) deur die volgende paragraaf te vervang:

"(i) ten opsigte van enige enkelbedragvoordele wat aldus uit enige pensioenfondse, voorsorgsfondse of uittredingannuïteitsfondse deur die belastingpligtige verkry is, die som van die aftrekkings ingevolge hierdie paragraaf nie minder is as die minste van of 10

(aa) die totale waarde van dié enkelbedragvoordele; òf 15

(bb) die som van—
(A) die belastingpligtige se eie bydraes tot bedoelde fondse, met inbegrip van soveel van die bedrae in bedoelde fondse vir sy voordeel deur 'n ander pensioenfondse, voorsorgsfondse of uittredingannuïteitsfondse inbetaal, as wat sy eie bydraes aan sodanige ander fondse voorgestel het!.,]; 20

en
(B) enige ander bedrae ten opsigte waarvan formule C geld, wat in sodanige fondse vir die belastingpligtige se voordeel inbetaal is deur 'n pensioenfondse bedoel in paragraaf (a) of (b) van die omskrywing van 'pensioenfondse' in artikel II, min die bedrag wat deur die simbool A voorgestel word wanneer daardie formule aldus toegepas word, 25

maar uitgesonderd soveel van enige [bedoelde] bydraes en bedrae bedoel in item (A) wat bydraes voorstel as wat ingevolge artikel 11 (k) of (n) van hierdie Wet of die ooreenstemmende bepalinge van 'n vorige Inkomstebelastingwet teen die inkomste van die belastingpligtige as 'n aftrekking toelaatbaar was;". 30

- (2) Subartikel (1)(a), (b) en (e) word geag op 1 Januarie 2006 in werking te getree het,

- (3) Subartikel (1)(d) word geag op 1 Maart 2006 in werking te getree het en is van toepassing ten opsigte van enige enkelbedragvoordeel op of na daardie datum ontvang oftogeval. 35

Wysiging van paragraaf 7 van die Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 27 van Wet 88 van 1965, artikel 29 van Wet 95 van 1967, artikel 36 van Wet 88 van 1971 en artikel 25 van Wet 85 van 1987 40

53. (1) Die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf 7 deur die volgende paragraaf te vervang:

"7. Die normaJe belasting wat ten opsigte van 'n jaar van aanslag betaalbaar is deur 'n persoon wie se inkomste vir daardie jaar 'n ingevolge die bepalinge van paragraaf 2(b) van hierdie Bylae vasgestelde bedrag insluit, word, behoudens die bepalinge van artikel 5 van hierdie Wet, ooreenkomstig die bepalinge van artikel 5(10) van hierdie Wet vasgestel, maar die bepalinge hiervan word nie so uitgele dat 'n persoon van aanspreeklikheid vir belasting ingevolge hierdie Wet op enige gedeelte van sy belasbare inkomste onthef word nie.". 45 50

- (2) Subartikel (1) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel op of na daardie datum toegeval.

Amendment of paragraph 1 of the Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974, section 6 of Act 30 of 1984, section 38 of Act 121 of 1984, section 20 of Act 70 of 1989, section 44 of Act 101 of 1990, section 44 of Act 129 of 1991, section 33 of Act 141 of 1992, section 48 of Act 113 of 1993, section 16 of Act 140 of 1993, section 37 of Act 21 of 1995, section 34 of Act 36 of 1996, section 44 of Act 28 of 1997, section 52 of Act 30 of 1998, section 52 of Act 30 of 2000, section 53 of Act 59 of 2000, section 19 of Act 19 of 2001, section 32 of Act 30 of 2002, section 46 of Act 32 of 2004, section 49 of Act 31 of 2005, section 28 of Act 9 of 2006 and section 39 of Act 20 of 2006

54. (1) Paragraph I of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in the definition of "personal service company" for paragraph (b) of the following paragraph:
 - "(b) where those duties must be performed mainly at the premises of the client, such person or such company is subject to the control or supervision of such client as to the manner in which the duties are performed or are to be performed in rendering such service [and must be mainly performed at the premises of the client];";
- (b) by the substitution in the definition of "personal service trust" for paragraph (b) of the following paragraph:
 - "(b) where those duties must be performed mainly at the premises of the client, such person or such trust is subject to the control or supervision of such client as to the manner in which the duties are performed or are to be performed in rendering such service [and must be mainly performed at the premises of the client];";
- (c) by the substitution in the definition of "provisional taxpayer" for the words following subparagraph (ii) and preceding item (aa) of the following words:
 - "but shall exclude for a period of three years as from the first year of assessment commencing on or after 1 April [2007] 2006-";
- (d) by the substitution in the proviso to paragraph (ii) of the definition of "remuneration" for the words preceding paragraph (aa) of the following words:
 - ": Provided that for the purposes of this paragraph a person shall not be deemed to carry on a trade independently as aforesaid[-]";
- (e) by the substitution in the proviso to paragraph (ii) of the definition of "remuneration" for paragraph (aa) of the following words:
 - [faa] if the services are required to be performed mainly at the premises of the person by whom such amount is paid or payable or of the person to whom such services were or are to be rendered and [he] the person who rendered or will render the services is subject to the control or supervision of any other person as to the manner in which his or her duties are performed or to be performed or as to his hours of work[; or]";
- if) by the deletion in the proviso to paragraph (ii) of the definition of "remuneration" of paragraph (bb); and
- (g) by the addition to paragraph (ii) of the definition of "remuneration" of the following proviso:
 - ": Provided further that a person will be deemed to be carrying on a trade independently as aforesaid if he throughout the year of assessment employs three or more employees who are on a full time basis engaged in the business of such person of rendering any such service, other than any employee who is a connected person in relation to such person;".

(2) Subject to subsection (3), subsection (1) shall be deemed to have come into operation on 1 March 2007.

Wysiging van paragraaf 1 van die Vierde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 22 van Wet 72 van 1963, artikel 44 van Wet 89 van 1969, artikel 24 van Wet 52 van 1970, artikel 37 van Wet 88 van 1971, artikel 47 van Wet 85 van 1974, artikel 6 van Wet 30 van 1984, artikel 38 van Wet 121 van 1984, artikel 20 van Wet 70 van 1989, artikel 44 van Wet 101 van 1990, artikel 44 van Wet 129 van 1991, artikel 33 van Wet 141 van 1992, artikel 48 van Wet 113 van 1993, artikel 16 van Wet 140 van 1993, artikel 37 van Wet 21 van 1995, artikel 34 van Wet 36 van 1996, artikel 44 van Wet 28 van 1997, artikel 52 van Wet 30 van 1998, artikel 52 van Wet 30 van 2000, artikel 53 van Wet 59 van 2000, artikel 19 van Wet 19 van 2001, artikel 32 van Wet 30 van 2002, artikel 46 van Wet 32 van 2004, artikel 49 van Wet 31 van 2005, artikel 28 van Wet 9 van 2006 en artikel 39 van Wet 20 van 2006

54. (1) Paragraaf I van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in die omskrywing van "persoonlike diensmaatskappy" paragraaf (b) deur die volgende paragraaf te vervang:

"(b) waar daardie pligte hoofsaaklik by die perseel van die klient verrig word, bedoelde persoon of bedoelde maatskappy onderworpe is aan die beheer of toesig van bedoelde klient met betrekking tot die wyse waarop die pligte verrig word of verrig staan te word ter lewering van bedoelde diens [en moet hoofsaaklik by die perseel van die klient verrig word];";

- (b) deur in die omskrywing van "persoonlike dienst" paragraaf (b) deur die volgende paragraaf te vervang:

"(b) waar daardie pligte hoofsaaklik by die perseel van die klient verrig word, bedoelde persoon of bedoelde trust onderworpe is aan die beheer of toesig van bedoelde klient met betrekking tot die wyse waarop die pligte verrig word of verrig staan te word ter lewering van bedoelde diens [en daardie pligte hoofsaaklik by die perseel van die klient verrig word];";

- (c) deur in die omskrywing van "voorlopige belastingpligtige" die woorde wat volg op subparagraaf (ii) en item (aa) voorafgaan deur die volgende woorde te vervang:

"maar sluit nie in nie vir 'n tydperk van drie jaar vanaf die eerste jaar van aanslag wat op of na 1 April [2007] 2006 begin-";

- (d) deur in die voorbehoudsbepaling tot paragraaf (ii) van die omskrywing van "besoldiging" die woorde wat paragraaf (aa) voorafgaan deur die volgende woorde te vervang:

"': Met dien verstande dat by die toepassing van hierdie paragraaf iemand nie geag word 'n bedryf onafhanklik soos voormeld te beoefen nie[-]";

- (e) deur in die voorbehoudsbepaling tot paragraaf (ii) van die omskrywing van "besoldiging" paragraaf (aa) deur die volgende woorde te vervang:

"[(aa)] indien daar vereis word dat die dienste hoofsaaklik gelewer word by die perseel van die persoon deur wie bedoelde bedrag betaal of betaalbaar is of van die persoon aan wie bedoelde dienste gelewer is of sal word en [hy] die persoon deur wie die dienste gelewer is of sal word onderworpe is aan die beheer of toesig van ienrand anders met betrekking tot die wyse waarop sy of haar pligte uitgevoer word of uitgevoer moet word of met betrekking tot sy werksure[; of]";

- (j) deur in die voorbehoudsbepaling tot paragraaf (ii) van die omskrywing van "besoldiging" paragraaf (bb) te skrap; en

- (g) deur in die omskrywing van "besoldiging" die volgende voorbehoudsbepaling by paragraaf (ii) te voeg:

"': Met dien verstande voorts dat 'n persoon geag word 'n bedryf onafhanklik te beoefen, soos voormeld, indien hy gedurende die hele jaar van aanslag drie of meer werknemers in diens het wat op 'n voltydse basis betrokke is by die besigheid van bedoelde persoon om bedoelde diens te lewer, behalwe enige werknemer wat 'n verbonde persoon met betrekking tot bedoelde persoon is.";

(2) Behoudens subartikel (3) word subartikel (1) geag op 1 Maart 2007 in werking te getree het.

(3) Subsection (1)(e) shall be deemed to have come into operation on 7 February 2007 and shall apply in respect of any year of assessment commencing on or after 1 April 2006.

Amendment of paragraph 2 of the Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 45 of Act 101 of 1990, section 38 of Act 21 of 1995, section 45 of Act 28 of 1977, section 53 of Act 30 of 2000, section 54 of Act 59 of 2000, section 20 of Act 19 of 2001, section 21 of Act 16 of 2004 and section 40 of Act 20 of 2006

55. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution for subparagraph (1A) of the following subparagraph:

"(1A) Notwithstanding the provisions of subparagraph (1), a person shall not be required to deduct or withhold employee's tax in respect of any year of assessment of a company or trust solely by virtue of paragraph (d) of the definition of 'personal service company' or paragraph (d) of the definition of 'personal service trust' where the company or trust has in respect of such year of assessment provided that person with an affidavit or solemn declaration stating that the relevant [paragraphs do] paragraph does not apply and that person relied on that affidavit or declaration in good faith."; and
- (b) by the substitution in paragraph (aa) of the proviso to subparagraph (5)(a) for the words preceding subparagraph (A) of the following words:

"more than 80 per cent of the gross income of such person during the year of assessment consists of, or is likely to consist of, an amount or amounts received from anyone client of such person, or any associated institution as defined in the Seventh Schedule to this Act in relation to such client, unless that person is a labour broker [which] who throughout the year of assessment employs [more than] three or more full-time employees-".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of paragraph 9 of the Fourth Schedule to Act 58 of 1962, as amended by section 39 of Act 88 of 1971, section 32 of Act 103 of 1976, section 29 of Act 104 of 1980, section 46 of Act 101 of 1990, section 55 of Act 59 of 2000, section 21 of Act 19 of 2001 and section 41 of Act 20 of 2006

56. (1) Paragraph 9 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following paragraph:

- "(3) The amount to be deducted or withheld in respect of employees' tax from any lump sum to which paragraph (d) or (e) of the definition of "gross income" in section 1 of this Act or section 7A thereof applies, shall be ascertained by the employer from the Commissioner before paying out such lump sum, and the Commissioner's determination of the amount to be so deducted or withheld shall be final: Provided that no amount shall be so deducted or withheld in respect of any lump sum [payment contemplated in paragraphs 5(1)(c) or 6(2) of the Second Schedule that is received by or accrues to the employee on or before 10 November 2006 or such later date that the Minister may determine by Notice in the Gazette] benefit contemplated in paragraph (e) of that definition, which accrued to any person during any year of assessment if the taxable income (excluding any such benefit) of that person for the year of assessment immediately preceding that year does not exceed the tax threshold for that year.".

(3) Subartikel (1)(c) word geag op 7 Februarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na 1 April 2006 'n aanvang neem.

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 of 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1977, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000, artikel 20 van Wet 19 van 2001, artikel 21 van Wet 16 van 2004 en artikel 40 van Wet 20 van 2006

55. (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur subparagraaf (1A) deur die volgende subparagraaf te vervang: 15

"(1A) Ondanks die bepalings van subparagraaf (1), word daar nie van 'n persoon vereis om werknemersbelasting ten opsigte van enige jaar van aanslag van 'n maatskappy of trust af te trek of terug te hou alleenlik vanwee paragraaf (d) van die omskrywing van 'persoonlike diensmaatskappy' of paragraaf (d) van die omskrywing van 'persoonlike dienstrust' nie, indien die maatskappy of trust ten opsigte van bedoelde jaar van aanslag aan daardie persoon 'n eedsverklaring of plegtige verklaring voorsien het waarin verklaar word dat [daardie paragrafe] die betrokke paragraaf nie van toepassing is nie en daardie persoon in goeie trou op daardie eedsverklaring of verklaring gesteun het."; en 25

(b) deur in paragraaf (aa) in die voorbehoudsbepaling tot subparagraaf (5)(a) die woorde wat subparagraaf (A) voorafgaan deur die volgende woorde te vervang:

"meer as 80 persent van die bruto inkomste van bedoelde persoon gedurende die jaar van aanslag bestaan uit of waarskynlik sal bestaan uit, 'n bedrag of bedrae ontvang vanaf enige een klient van bedoelde persoon, of enige verwante inrigting soos in die Sewende Bylae by hierdie Wet omskryf, met betrekking tot bedoelde klient, tensy daardie persoon 'n arbeidsmakelaar is wat gedurende die hele jaar van aanslag [meer as] drie of meer voltydse werknemers in diens het-". 35

(2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van paragraaf 9 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 39 van Wet 88 van 1971, artikel 32 van Wet 103 van 1976, artikel 29 van Wet 104 van 1980, artikel 46 van Wet 101 van 1990, artikel 55 van Wet 59 van 2000, artikel 21 van Wet 19 van 2001 en artikel 41 van Wet 20 van 2006 40

56. (1) Paragraaf 9 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang:

"(3) Die werkgever moet voordat hy 'n enkelbedrag waarop paragraaf (d) of (e) van die omskrywing van 'bruto inkomste' in artikel 1 van hierdie Wet of artikel 7A daarvan van toepassing is, uitbetaal, by die Kommissaris navraag doen omtrent die bedrag wat by wyse van werknemersbelasting van bedoelde enkelbedrag afgetrek of teruggehou moet word, en die Kommissaris se bepaling van die bedrag wat aldus afgetrek of teruggehou moet word, is afdoende: Met dien verstande dat geen bedrag aldus afgetrek of teruggehou word ten opsigte van enige [enkelbedragbetaling in paragraaf 5 (1) (c) of 6 (2) van die Tweede Bylae bedoel, wat ontvang is deur of toeval aan 'n werknemer op of voor 10 November 2006 of sodanige later datum as wat die Minister by kennisgewing in die *Staatskoerant* mag bepaal] enkelbedragvoordeel bedoel in paragraaf (e) van daardie omskrywing, wat aan enige persoon gedurende enige jaar van aanslag toegeval het indien die belasbare inkomste (uitgesluit enige bedoelde voordeel) van daardie persoon vir die onmiddellik voorafgaande jaar van aanslag rue die belastingdrempel vir daardie jaar oorskry nie." 55

(2) Subsection (I) shall come into operation on 1 October 2007 and shall apply in respect of any lump sum benefit accrued on or after that date.

Amendment of paragraph 118 of the Fourth Schedule to Act 58 of 1962, as amended by section 41 of Act of Act 90 of 1988, section 22 of Act 70 of 1989, section 47 of Act 101 of 1990, section 46 of Act 129 of 1991, section 34 of Act 141 of 1992, section 3 of Act 168 of 1993, section 40 of Act 21 of 1995, section 35 of Act 36 of 1996, section 48 of Act 28 of 1997, section 53 of Act 30 of 1998, section 56 of Act 59 of 2000, section 33 of Act 30 of 2002, section 56 of Act 74 of 2002, section 22 of Act 16 of 2004 and section 43 of Act 20 of 2006

57. (I) Paragraph IIB of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended-

(a) by the addition to the definition of "net remuneration" in subparagraph (I) of the following paragraph:

"(i) any retirement fund lump sum benefit;"; and

(b) by the substitution for subparagraph (2A) of the following subparagraph:

H(2A) Where at the end of a tax period the total amount of employees tax which has been deducted or withheld by an employer from the net remuneration paid or payable by him or her to an employee during such tax period exceeds or falls short of the amount of Standard Income Tax on Employees determinable under subparagraph (3) in relation to such net remuneration by an amount not exceeding R5 or such other amount as the Commissioner may determine by Notice in the Gazette, the said total amount of employees tax shall at the option of the employer be deemed to be the amount of Standard Income Tax on Employees determinable in relation to such net remuneration under the said subparagraph."

(2) Subsection (1)(a) shall come into effect on 1 October 2007 and shall apply in respect of any lump sum benefit received and accrued on or after that date.

(3) Subsection (1)(b) shall be deemed to have come into effect on 1 March 2007.

Repeal of the Fifth Schedule to the Income Tax Act 1962, as added by section 26 of Act 52 of 1970, amended by section 50 of Act 88 of 1971, section 51 of Act 88 of 1971, section 24 of Act 90 of 1972, section 25 of Act 90 of 1972, section 26 of Act 90 of 1972, section 27 of Act 90 of 1972, section 58 of Act 85 of 1974, section 59 of Act 85 of 1974, section 60 of Act 85 of 1974, section 61 of Act 85 of 1974, section 62 of Act 85 of 1974, section 34 of Act 103 of 1976, section 35 of Act 103 of 1976, section 18 of Act 101 of 1978, section 31 of Act 104 of 1980, section 31 of Act 91 of 1982, section 32 of Act 91 of 1982, section 56 of Act 94 of 1983, section 57 of Act 94 of 1983, section 46 of Act 97 of 1986, section 47 of Act 97 of 1986 and section 58 of Act 59 of 2000

58. The Fifth Schedule to the Income Tax Act, 1962, is hereby repealed.

Amendment of paragraph 12A of the Seventh Schedule to Act 58 of 1962, as inserted by section 56 of Act 30 of 1998 and amended by section 59 of Act 31 of 2005

59. (I) The Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in paragraph 12A for item (c) of subparagraph (I) of the following item:

H(c) where those contributions are made with respect to the benefits of that employee and more than one dependant, [R1 000] the amount referred to in item (b) in respect of the employee and one dependant plus [R300] R320 for every additional dependant for each month in that year for which those contributions were made."

(2) Subsection (I) shall be deemed to have come into operation on 1 March 2007 and shall apply in respect of any year of assessment commencing on or after that date.

(2) Subartikel (1) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel op of na daardie datum toegeval.

Wysiging van paragraaf IIB van Vierdie Bylae by Wet 58 van 1962, soos gewysig deur artikel 41 van Wet 90 van 1988, artikel 22 van Wet 70 van 1989, artikel 47 van Wet 101 van 1990, artikel 46 van Wet 129 van 1991, artikel 34 van Wet 141 van 1992, artikel 3 van Wet 168 van 1993, artikel 40 van Wet 21 van 1995, artikel 35 van Wet 36 van 1996, artikel 48 van Wet 28 van 1997, artikel 53 van Wet 30 van 1998, artikel 56 van Wet 59 van 2000, artikel 33 van Wet 30 van 2002, artikel 56 van Wet 74 van 2002, artikel 22 van Wet 16 van 2004 en artikel 43 van Wet 20 van 2006 5

57. (1) Paragraaf IIB van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-> 10

(a) deur in subartikel (1) in die omskrywing van "netto besoldiging" die volgende paragraaf by te voeg:

"(j) enige uitteefonds enkelbedragvoordeel"; en

(b) deur subparagraaf (2A) deur die volgende subparagraaf te vervang: 15

"(2A) Waar aan die einde van 'n belastingtydperk die totale bedrag van werknemersbelasting wat deur 'n werkgever afgetrek of teruggehou is van die netto besoldiging wat gedurende bedoelde belastingtydperk deur hom of haar aan 'n werknemer betaal is of verskuldig geword het, hoogstens R5, of die ander bedrag wat die Kommissaris by kennisgewing in die Staatskoerant bepaal, meer of minder is as die bedrag aan Standaard Inkomstebelasting op Werknemers wat ingevolge subparagraaf (3) met betrekking tot bedoelde netto besoldiging bepaalbaar is, word genoemde totale bedrag van werknemersbelasting volgens die keuse van die werkgever geag die bedrag aan Standaard Inkomstebelasting op Werknemers te wees wat ingevolge genoemde subparagraaf met betrekking tot bedoelde netto besoldiging bepaalbaar is." 20 25

(2) Subartikel (1)(a) tree op 1 Oktober 2007 in werking en is van toepassing ten opsigte van enige enkelbedragvoordeel ontvang of toegeval op of na daardie datum.

(3) Subartikel (1)(b) word geag op 1 Maart 2007 in werking te getree het. 30

Herroeping van Vyfde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 26 van Wet 52 van 1970, gewysig deur artikel 50 van Wet 88 van 1971, artikel 51 van Wet 88 van 1971, artikel 24 van Wet 90 van 1972, artikel 25 van Wet 90 van 1972, artikel 26 van Wet 90 van 1972, artikel 27 van Wet 90 van 1972, artikel 58 van Wet 85 van 1974, artikel 59 van Wet 85 van 1974, artikel 60 van Wet 85 van 1974, artikel 61 van Wet 85 van 1974, artikel 62 van Wet 85 van 1974, artikel 34 van Wet 103 van 1976, artikel 35 van Wet 103 van 1976, artikel 18 van Wet 101 van 1978, artikel 31 van Wet 104 van 1980, artikel 31 van Wet 91 van 1982, artikel 32 van Wet 91 van 1982, artikel 56 van Wet 94 van 1983, artikel 57 van Wet 94 van 1983, artikel 46 van Wet 97 van 1986, artikel 47 van Wet 97 van 1986 en artikel 58 van Wet 59 van 2000 35 40

58. Die Vyfde Bylae by die Inkomstebelastingwet, 1962, word hierby herroep.

Wysiging van paragraaf 12A van Sewende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 56 van Wet 30 van 1998 en gewysig deur artikel 59 van Wet 31 van 2005

59. (1) Die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in paragraaf 12A item (e) van subparagraaf (1) deur die volgende item te vervang: 45

"(e) waar daardie bydraes gemaak is ten opsigte van die voordele van daardie werknemer en meer as een afhanklike, [R1 000] die bedrag bedoel in item (b) ten opsigte van die werknemer en een afhanklike plus [R300] R320 vir elke addisionele afhanklike vir elke maand in daardie jaar waarvoor daardie bydraes gemaak is." 50

(2) Subartikel (1) word geag op 1 Maart 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Amendment of paragraph 20 of the Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 26 of Act 19 of 2001, section 75 of Act 60 of 2001, section 71 of Act 74 of 2002, section 95 of Act 45 of 2003, section 58 of Act 32 of 2004, section 68 of Act 31 of 2005 and section 45 of Act 20 of 2006

60, (1) Paragraph 20 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subparagraph (3) for item (b) of the following item:
 - “(b) has for any reason been reduced or recovered or become recoverable from or has been paid by any other person (whether prior to or after the incurral of the expense to which it relates), to the extent which such amount is not taken into account as a recoupment in terms of section 8(4)(a) or paragraph (j) of the definition of 'gross income' of an amount contemplated in item (a); [and] or”; and
- (b) by the substitution for subparagraph (4) of the following subparagraph:
 - “(4) Expenditure incurred by a person in respect of the acquisition of an asset shall be reduced by the amount of any foreign exchange gain or premium received as contemplated in section 241, or increased by the amount of any foreign exchange loss or premium paid as so contemplated, if that gain [or], loss or premium is not included in or deducted from the income of [that] the person incurring the expenditure, or any other person forming part of the same group of companies as that person, in terms of section 24I(11A).”.

(2) Subsection (1)(a) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

(3) Subsection (1)(b) shall be deemed to have come into operation on 31 December 2006 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of paragraph 29 of the Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001, amended by section 81 of Act 60 of 2001, section 38 of Act 30 of 2002, section 76 of Act 74 of 2002 and section 47 of Act 20 of 2006

61. (1) Paragraph 29 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subparagraph (1) for the words in item (b) preceding subitem (i) of the following words:
 - “an asset which is not listed on a recognised exchange and which constitutes a right of a unit holder or holder of a participatory interest, as the case may be, in-”;
- (b) by the substitution in subparagraph (I) for subitem (ii) of item (b) of the following subitem:
 - “(ii) any arrangement or scheme contemplated in paragraph (e)(ii) of the definition of 'company', the last price published before the valuation date at which a [unit] participatory interest could be sold to the management company of the scheme or where there is not a management company the price which could have been obtained upon a sale of the asset between a willing buyer and a willing seller dealing at arm's length in an open market on valuation date”; and
- (c) by the substitution for subparagraph (8) of the following subparagraph:
 - “(8) Where the valuation date of a person is after 1 October 2001 the provisions of [subparagraph] subparagraphs (1)(a), (1)(b)(i), (2), (2A), (3), (5) and (6)(a) do not apply.”.

Wysiging van paragraaf 20 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 26 van Wet 19 van 2001, artikel 75 van Wet 60 van 2001, artikel 71 van Wet 74 van 2002, artikel 95 van Wet 45 van 2003, artikel 58 van Wet 32 van 2004, artikel 68 van Wet 31 van 2005 en artikel 45 van Wet 20 van 2006

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60. (1) Paragraaf 20 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subparagraaf (3) item (b) deur die volgende item te vervang:

"(b) wat vir enige rede verminder of verhaal is of verhaalbaar geword het van of wat betaal is deur enige ander persoon (hetsy voor of na die aangaan van die onkoste waarmee dit verband hou), tot die mate wat daardie bedrag nie in berekening gebring is nie as 'n verhaling ingevolge artikel 8(4)(a) of paragraaf (j) van die omskrywing van 'bruto inkomste' van 'n bedrag in item (a) bedoel; [en] of"; en

(b) deur subparagraaf (4) deur die volgende subparagraaf te vervang: -

"(4) Onkoste deur 'n persoon aangegaan ten opsigte van die verkryging van 'n bate word verminder deur die bedrag van enige buitelandse valutawins of premie ontvang soos bedoel in artikel 241, of vermeerder deur die bedrag van enige buitelandse valutaverlies of premie betaal aldus bedoel, indien daardie wins, [of] verlies of premie ingesluit is by of afgetrek is van die inkomste van [daardie] die persoon wat die uitgawe aangegaan het, of enige ander persoon wat deel uitmaak van dieselfde groep van maatskappye as daardie persoon ingevolge artikel 241(1A) nie.".

(2) Subartikel (1)(a) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

(3) Subartikel (1)(b) word geag op 31 Desember 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van paragraaf 29 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001, gewysig deur artikel 81 van Wet 60 van 2001, artikel 38 van Wet 30 van 2002, artikel 76 van Wet 74 van 2002 en artikel 47 van Wet 20 van 2006

61. (1) Paragraaf 29 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subparagraaf (1) die woorde in item (b) wat subitem (i) voorafgaan deur die volgende woorde te vervang:

" 'n bate wat nie op 'n erkende beurs genoteer is nie en wat 'n reg van 'n effekthouer of 'n houer van 'n deelnemende belang, na gelang van die geval, daarstel in—";

(b) deur in subparagraaf (1) subitem (ii) van item (b) deur die volgende subitem te vervang:

"(ii) enige reeling of skema in paragraaf (e)(ii) van die omskrywing van 'maatskappy' beoog, die laaste koopprys voor die waardasiedatum gepubliseer waarteen 'n [eDek] deelnemende belang aan die bestuursmaatskappy van die skema verkoop kon word of waar daar nie 'n bestuursmaatskappy is nie, die prys wat behaal kon word met die verkoop van die bate tussen 'n gewillige koper en 'n gewillige verkoper wat onder uiterste voorwaardes in 'n ope mark op waardasiedatum beding is;"; en

(c) deur subparagraaf (8) van die Engelse teks deur die volgende subparagraaf te vervang:

"(8) Where the valuation date of a person is after 1 October 2001 the provisions of [subparagraph] subparagraphs (1)(a), (1)(b)(i), (2), (2A), (3), (5), and (6)(a) do not apply.".

(2) Subartikel (1)(c) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing op enige jaar van aanslag wat op of na daardie datum eindig.

(2) Subsection (I)(c) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of paragraph 31 of the Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001, amended by section 83 of Act 60 of 2001, section 78 of Act 74 of 2002 and section 49 of Act 20 of 2006

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62. (I) Paragraph 31 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (I) for item (o) of the following item:

"(a) an asset which is a financial instrument listed on a recognised exchange and for which a price was quoted on that exchange, the ruling price in respect of that financial instrument on that recognised exchange at close of business on the last business day before that date;"

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(2) Subsection (I) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of paragraph 39 of the Eighth Schedule to Act 58 of 1962, as amended by section 88 of Act 60 of 2001, section 100 of Act 45 of 2003, section 26 of Act 16 of 2004 and section 73 of Act 31 of 2005

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63. (I) Paragraph 39 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (3) for the words preceding item (a) of the following words:

"For the purposes of [this paragraph] subparagraph (I), a connected person in relation to -"

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(2) Subsection (I) shall be deemed to have come into operation on 1 February 2006 and shall apply in respect of any disposal on or after that date.

Amendment of paragraph 63. A of the Eighth Schedule to Act 58 of 1962, as inserted by section 53 of Act 20 of 2006

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64. (I) The Eighth Schedule of the Income Tax Act, 1962, is hereby amended-

(a) by renumbering paragraph "63. A" as paragraph "63A."; and

(b) by the substitution in subparagraph (b) for the words preceding item (i) of the following words:

"substantially the whole of the use of that asset by that public benefit organisation on [or] and after valuation date was directed at-"

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(2) Subsection (I) shall be deemed to have come into operation on 1 April 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 64B of the Eighth Schedule to Act 58 of 1962, as inserted by section 105 of Act 45 of 2003, amended by section 79 of Act of Act 31 of 2005 and section 35 of Act 9 of 2006

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65. Paragraph 64B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (3) for item (b) of the following item:

"(b) the interest in the equity share capital of that foreign company was disposed of to a connected person in relation to that person either before or after that disposal; [and]".

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Amendment of paragraph 65B of the Eighth Schedule to Act 58 of 1962, as inserted by section 56 of Act 20 of 2006

66. (I) Paragraph 65B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (5) for the words preceding item (a) of the following words:

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"Where a club fails to conclude a contract or fails to bring any replacement asset into use within the period prescribed in subparagraph (I)[(d)(iii)](c)(ii) and (iii), that club must-".

(2) Subsection (1) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

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Wysiging van paragraaf 31 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001, gewysig deur artikel 83 van Wet 60 van 2001, artikel 78 van Wet 74 van 2002 en artikel 49 van Wet 20 van 2006

62. (I) Die Engelse teks van paragraaf 31 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur item (a) van subparagraaf (I) deur die volgende item te vervang: 5

"(a) an asset which is a financial instrument listed on a recognised exchange and for which a price was quoted on the exchange, the ruling price in respect of that financial instrument on that recognised exchange at close of business on the last business day before that date;". 10

(2) Subartikel (I) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van paragraaf 39 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 88 van Wet 60 van 2001, artikel 100 van Wet 45 van 2003, artikel 26 van Wet 16 van 2004 en artikel 73 van Wet 31 van 2005 15

63. (I) Paragraaf 39 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (3) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:

"By die toepassing van [hierdie paragraaf] subparagraaf (1), sluit 'n verbonde persoon met betrekking tot-". 20

(2) Subartikel (I) word geag op 1 Februarie 2006 in werking te getree het en is van toepassing ten opsigte van enige beskiking op of na daardie datum.

Wysiging van paragraaf 63A van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 53 van Wet 20 van 2006

64. (I) Die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig- 25

(a) deur paragraaf "63.A" in die Engelse teks te hernoem na paragraaf **"63A."**; **en**

(b) deur in subparagraaf (b) die woorde wat item (i) voorafgaan deur die volgende woorde te vervang:

"wesenslik die geheel van die gebruik van daardie bate op [of] en na waardasiedatum deur daardie openbare weldaatsorganisasie gerig is **op-**". 30

(2) Subartikel (I) word geag op 1 April 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem. 35

Wysiging van paragraaf 64B van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 105 van Wet 45 van 2003, gewysig deur artikel 79 van Wet 31 van 2005 en artikel 35 van Wet 9 van 2006

65. Paragraaf 64B van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (3) item (b) deur die volgende item te vervang: 40

"(b) die belang in die ekwiteitsaandelekapitaal van daardie buitelandse maatskappy oor beskik is aan 'n verbonde persoon met betrekking tot daardie persoon voor of na daardie beskikking; [en]".

Wysiging van paragraaf 65B van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 56 van Wet 20 van 2006 45

66. (I) Paragraaf 65B van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (5) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:

"Waar 'n klub nalaat om 'n ooreenkoms te sluit of nalaat om enige vervangende bate in gebruik te neem binne die tydperk voorgeskryf in subparagraaf (I)[(d)(iii)][(c)(ii) en (iii)], moet daardie klub-". 50

(2) Subartikel (I) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Amendment of paragraph 66 of the Eighth Schedule to Act 58 of 1962, as amended by section 33 of Act 19 of 2001 and section 107 of Act 45 of 2003

67. (I) Paragraph 66 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended-

- (a) by the substitution in subparagraph (I) for item (a) of the following item: 5
 “(a) that asset qualified for a capital deduction or allowance in terms of section 11(e), 110(2), 12B, 12C, 12E, 14 or *14bis*”;
- (b) by the substitution in subparagraph (I) for item (c) of the following item: 10
 “(c) an amount at least equal to the receipts and accruals from that disposal has been or will be expended to acquire one or more assets (hereinafter referred to as the 'replacement asset or assets'), all of which will qualify for a capital deduction or allowance in terms of section 11(e), 11D(2), 12B, 12C or 12E”;
- (c) by the substitution for subparagraph (4) of the following subparagraph: 15
 “(4) A person must treat as a capital gain for a year of assessment, so much of the disregarded capital gain contemplated in subparagraph (2), as bears to the total amount of that disregarded capital gain apportioned to that replacement asset as contemplated in subparagraph (3) the same ratio as the amount of any deduction or allowance allowed in that year in terms of section 11(e), 11D(2), 12B, 12C or 12E in respect of the replacement asset bears to the total amount of the deduction or allowance in terms of that section (determined with reference to the cost or value of that asset at the time of acquisition thereof) which is allowable for all years of assessment in respect of that replacement asset.”. 20

(2) Subsection shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any disposal on or after that date. 25

Amendment of paragraph 84 of the Eighth Schedule to Act 58 of 1962, as amended by section 34 of Act 19 of 2001, section 110 of Act 60 of 2001, section 40 of Act 30 of 2002, section 100 of Act 74 of 2002 and section 117 of Act 45 of 2003

68. Paragraph 84 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in the definition of "personal expenses" for subparagraph (b) of the following subparagraph: 30

“(b) [traveling] travelling or maintenance expenses”;

Amendment of paragraph 4 of Part II of the Ninth Schedule to Act 58 of 1962, as amended by section 61 of Act 20 of 2006 35

69. (I) Part II of the Ninth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in paragraph 4 for item (i) of subparagraph (d) of the following item: 40
 “(i) [does] is or will fall under a unified or coordinated system of management without compromising national sovereignty; and”.

(2) Subsection (I) shall be deemed to have come into operation on 1 January 2007 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of paragraph 1 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

70. (I) Paragraph 1 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended- 45

- (a) by the substitution for the definition of "gas" of the following definition: 50
 " 'gas' means any subsoil combustible gas, consisting primarily of hydrocarbons, [consisting primarily of hydrocarbons,] other than hydrocarbons converted from bituminous shales or other stratified deposits of solid hydrocarbons”;
- (b) by the deletion of the word "and" after the definition of "oil and gas income”; and

Wysiging van paragraaf 66 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 33 van Wet 19 van 2001 en artikel 107 van Wet 45 van 2003

67. (I) Paragraaf 66 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in subparagraaf (I) item (a) deur die volgende item te vervang: 5
 "(a) daardie bate gekwalifiseer het vir 'n kapitaalaftrekking of toelae ingevolge artikel 11(e), 110(2), 12B, 12C, 12E, 14 of 14bis;"
- (b) deur in subparagraaf (I) item (c) deur die volgende item te vervang: 10
 "(c) 'n bedrag wat minstens gelyk is aan die ontvangste of toevallings vanweë daardie beskikking bestee is of sal word ter verkryging van 'n bate of bates (hierna na verwys as die 'vervangende bate of bates') wat almal sal kwalifiseer vir 'n kapitaalaftrekking of toelae ingevolge artikelll (e), 110(2), 12B, 12C of 12E;" en
- (c) deur subparagraaf (4) deur die volgende subparagraaf te vervang: 15
 "(4) 'n Persoon moet soveel van die kapitaalwins ingevolge subparagraaf (2) verontagsaam as 'n kapitaalwins vir 'n jaar van aanslag ag as wat in dieselfde verhouding tot daardie verontagsaamde kapitaalwins aan daardie bate toegedee! soos beoog in subparagraaf (3) staan as wat die bedrag van enige kapitaalaftrekking of toelae ingevolge artikelll (e), 110(2), 12B, 12C of 12E ten aansien van daardie 20
 vervangende bate in daardie jaar toegelaat staan tot die totale bedrag van die kapitaalaftrekking of toelae ingevolge daardie artikel (vasgestel met verwysing na die koste of waarde van daardie bate ten tyde van die verkryging daarvan) in aile jare van aanslag ten aansien van daardie 25
 vervangende bate toelaatbaar;"

(2) Subartikel (I) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige beskikking op of na daardie datum.

Wysiging van paragraaf 84 van Agste Bylae by Wet 58 van 1962, soos gewysig deur artikel 34 van Wet 19 van 2001, artikelllO van Wet 60 van 2001, artikel 40 van Wet 30 van 2002, artikell00 van Wet 74 van 2002 en artikel 117 van Wet 45 van 2003 30

68. Die Engelse teks van paragraaf 84 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (b) in die omskrywing van "personal expenses" deur die volgende subparagraaf te vervang:

"(b) [traveling] travelling or maintenance expenses;"

Wysiging van paragraaf 4 van Deel II van Negende Bylae by Wet 58 van 1962, soos gewysig deur artikel 61 van Wet 20 van 2006 35

69. (I) Die Engelse teks van Deel II van die Negende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in paragraaf 4 item (i) van subparagraaf (d) deur die volgende item te vervang:

"(i) [does] is or will fall under a unified or coordinated system of management without compromising national sovereignty; and". 40

(2) Subartikel (I) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing op enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van paragraaf 1 van Tiende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 63 van Wet 20 van 2006 45

70. (I) Paragraaf 1 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

- (a) deur in die Engelse teks die omskrywing van "gas" deur die volgende omskrywing te vervang: 50
 "'gas' means any subsoil combustible gas, consisting primarily of hydrocarbons, [consisting primarily of hydrocarbons.] other than hydrocarbons converted from bituminous shales or other stratified deposits of solid hydrocarbons;"
- (b) deur in die Engelse teks die woord "and" na die omskrywing van "oil and gas income" te skrap; en 55

- (e) by the substitution in the definition of "refining" for paragraphs (a), (b), (e) and (d) of the following paragraphs:

- "[(a) any such activity which constitutes the separation of oil and gas condensates;
 (b) the drying of gas; 5
 (e) the removal of non-hydrocarbon constituents as a process integral to the production of oil and gas from a well and preliminary to the further refining of such separated condensates, oil, gas or dry gas, as the case may be, at another facility;
or 10
 (d) production.]
 (a) any such activity which constitutes-
 (i) the separation of oil and gas condensates;
 (ii) the drying of gas; or
 (iii) the removal of non-hydrocarbon constituents, as a process integral to the production of oil and gas from a well and preliminary to the further refining of such separated condensates, oil, gas or dry gas, as the case may be, at another facility; or 15
 (b) production." 20

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 2 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

71. (1) The Tenth Schedule to the Income Tax Act, 1962, is hereby amended- 25

- (a) by the substitution in paragraph 2 for item (b) of subparagraph (1) of the following item:
 "(b) is not a resident and carries on a trade [through a branch or agency] within the Republic will not exceed 32 cents on each [rand] Rand of taxable income."; and 30
 (b) by the substitution in paragraph 2 for subparagraph (2) of the following subparagraph:

"(2) Notwithstanding SUBparagraph (1)(b), the rate of tax on taxable income derived from oil and gas income of an oil and gas company that is not a resident and carries on trade [through a branch or agency] within the Republic will not exceed 29 per cent in respect of any oil and gas income solely derived (directly or indirectly) by virtue of an OP26 right as defined in Schedule II of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), previously held by that company." 40

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 3 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

72. (1) Paragraph 3 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph: 45

"(1) The rate of tax will not exceed 5 per cent on the net amount of any dividend declared as determined in terms of section 64B(3) by an oil and gas company [derived from] out of the profits of its oil and gas income."

- (2) Subsection (1) shall be deemed to have come into operation on 7 February 2007. 50

- (c) deur in die omskrywing van "raffinering" paragrawe (a), (b), (c) en (d) deur die volgende paragrawe te vervang:
- "[(a) enige sodanige aktiwiteit wat die skeiding van olie en gas kondensate behels;
 - (b) die droging van gas; 5
 - (c) die uitbaal van nie-koolwaterstof bestanddele as 'n proses wat integraal is tot die produksie van olie en gas van 'n bron en voorlopig is tot die verdere raffinering van daardie geskeide kondensate, olie, gas of droe gas, na gelang van die geval, by 'n ander fasiliteit; of 10
 - (d) produksie]
 - (a) enige sodanige aktiwiteit wat—
 - (i) die skeiding van olie en gas kondensate behels;
 - (ii) die droging van gas behels;
 - (iii) die uithaal behels van nie-koolwaterstof bestanddele, 15
 - as 'n proses wat integraal is tot die produksie van olie en gas van 'n bron en voorlopig is tot die verdere raffinering van daardie geskeide kondensate, olie, gas of droe gas, na gelang van die geval, by 'n ander fasiliteit; of 20
 - (b) produksie.".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Wysiging van paragraaf 2 van Tiende Bylae by Wet 58 van 1962, soos ingevoeg 25
deur artikel 63 van Wet 20 van 2006

71. (1) Die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-s-
- (a) deur in paragraaf 2 item (b) in paragraaf (1) deur die volgende item te 30
 - vervang:**
 - "(b) nie 'n inwoner is nie en 'n bedryf [deur 'n tak of agentskap] binne 30
 - die Republiek beoefen, is nie meer nie as 32 sent lop] van elke [rand] Rand van belasbare inkomste."; en -
 - (b) deur in paragraaf 2 subparagraaf (2) deur die volgende subparagraaf te 35
 - vervang:
 - "(2) Ondanks subparagraaf (1)(b), is die skaal van belasting op 35
 - belasbare inkomste verkry uit olie en gas inkomste van 'n olie en gas maatskappy wat nie 'n inwoner is nie en 'n bedryf [deur 'n tak of agentskap] binne die Republiek beoefen, nie meer nie as 29 persent ten opsigte van enige olie en gas inkomste wat uitsluitlik (direk of indirek) 40
 - verkry is nit hoofde van 'n 'OP26 right' soos in Bylae II by die 'Mineral and Petroleum Resources Development Act, 2002' (Wet No. 28 van 2002) omskryf, wat voorheen deur daardie maatskappy gehou is.".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang 45
neem.

Wysiging van paragraaf 3 van Tiende Bylae by Wet 58 van 1962, soos ingevoeg
deur artikel 63 van Wet 20 van 2006

72. (1) Paragraaf 3 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:
- "(1) Die skaal van belasting is nie meer nie as 5 persent op die netto bedrag van 50
 - enige dividend soos bepaal ingevolge artikel 64B(3) deur 'n olie en gas maatskappy verklaar [wat verkry is] uit die winste van sy olie en gas inkomste.".
 - (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Amendment of paragraph 5 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

73. (1) Paragraph 5 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following subparagraph:

"(3) For purposes of determining the taxable income of an oil and gas company during any year of assessment, any assessed losses (as defined in section 20) in respect of exploration or production may only be set-off against the oil and gas income, and income derived from the refining of gas ~~[of]~~ by that company to the extent those assessed losses do not exceed that income."

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 6 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

74. (1) Paragraph 6 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for the words in subparagraph (1) preceding item (a) of the following words:

"For purposes of determining the taxable income of an oil and gas company during any year of assessment, the Commissioner may not disallow a deduction of expenditure in respect of loans, advances and debts (or of any other financial assistance) on the grounds that those loans, advances and debts are excessive in relation to the fixed capital of that company (as determined on the last day of such year of assessment of that company.)] unless-".

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of paragraph 7 of the Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006

75. (1) Paragraph 7 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended-

(a) by the substitution in subparagraph (3) for the words following subitem (ii) item (a) of the following words:

"any gain derived by that company in respect of the amount contemplated in subitem (ii) is deemed to be an amount of gross income and that other company that acquired that right may deduct from its oil [an] and gas income as contemplated in paragraph 5(1) (but not including 5(2)» an amount [of gross income] equal to the [gross income] amount deemed [received by] to be gross income of the company that disposed of that right."; and

(b) by the substitution in subparagraph (3) for the words following subitem (ii) of item (b) of the following words:

"that other company that acquired that right may deduct from its oil [an] and gas income as contemplated in paragraph 5(1) (but not including 5(2)» an amount [of gross income] equal to the [gross income] amount deemed [received by] to be gross income of the company that disposed of that right less the applicable deduction allowable as contemplated in section 11(a) or 22, as the case may be, in respect of that right."

(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.

Wysiging van paragraaf S van Tiende Bylae by Wet S8 van 1962, soos ingevoeg deur artikel 63 van Wet 20 van 2006

73. (1) Die Engelse teks van paragraaf 5 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang:

"(3) For purposes of determining the taxable income of an oil and gas company during any year of assessment, any assessed losses (as defined in section 20) in respect of exploration or production may only be set-off against the oil and gas income, and income derived from the refining of gas [of] by that company to the extent those assessed losses do not exceed that income."

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Wysiging van paragraaf 6 van Tiende Bylae by Wet S8 van 1962, soos ingevoeg deur artikel 63 van Wet 20 van 2006

74. (1) Die Engelse teks van paragraaf 6 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die woorde in subparagraaf (1) wat item (a) voorafgaan deur die volgende woorde te vervang:

"For purposes of determining the taxable income of an oil and gas company during any year of assessment, the Commissioner may not disallow a deduction of expenditure in respect of loans, advances and debts (or of any other financial assistance) on the grounds that those loans, advances and debts are excessive in relation to the fixed capital of that company (as determined on the last day of such year of assessment of that company¹) unless-".

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Wysiging van paragraaf 7 van Tiende Bylae by Wet S8 van 1962, soos ingevoeg deur artikel 63 van Wet 20 van 2006

75. (1) Paragraaf 7 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig-

(a) deur in subparagraaf (3) die woorde wat op subitem (ii) van item (a) volg deur die volgende woorde te vervang:

"word enige wins deur daardie maatskappy verkry ten opsigte van die bedrag in subitem (ii) bedoel geag 'n bedrag van bruto inkomste te wees en daardie ander maatskappy wat daardie reg verkry kan van sy olie en gas inkomste soos in paragraaf 5(1) (maar nie 5(2) nie) bedoel, 'n bedrag gelykstaande aan die bedrag geag bruto inkomste [geag ontvang] te gewees het deur die maatskappy wat oor daardie reg beskik het, aftrek."; **en**

(b) deur in subparagraaf (3) die woorde wat op subitem (ii) van item (b) volg deur die volgende woorde te vervang:

"kan daardie ander maatskappy wat daardie reg verkry van sy olie en gas inkomste soos in paragraaf 5(1) (maar nie 5(2) nie) bedoel, 'n bedrag gelykstaande aan die bedrag geag bruto inkomste [wat geag word deur daardie] te wees van die maatskappy wat oor daardie reg beskik het [ontvang te gewees het] venninder deur die toepaslike aftrekking ten opsigte van daardie reg toegelaat soos bedoel in artikel II(a) of 22, na gelang van die geval, aftrek."

(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem.

Amendment of Schedule No.1 of Act 91 of 1964, as amended by section 19 of Act 95 of 1965, section 15 of Act 57 of 1966, section 2 of Act 96 of 1967, section 22 of Act 85 of 1968, **section 37** of Act 105 of 1969, section 9 of Act 98 of 1970, **section 2** of Act 89 of 1971, **section 12** of Act 103 of 1972, section 6 of Act 68 of 1973, **section 3** of Act 64 of 1974, section 13 of Act 71 of 1975, section 13 of Act 105 of 1976, **section 38** of Act 112 of 1977, section 3 of Act 114 of 1981, section 27 of Act 86 of 1982, section 10 of Act 89 of 1984, section 14 of Act 101 of 1985, section 11 of Act 69 of 1988, section 19 of Act 68 of 1989, section 40 of Act 59 of 1990, section 3 of Act 111 of 1991, section 15 of Act 105 of 1992, section 13 of Act 98 of 1993, section 12 of Act 19 of 1994, section 74 of Act 45 of 1995, section 8 of Act 44 of 1996, section 15 of Act 27 of 1997, section 75 of Act 30 of 1998, section 7 of Act 32 of 1999, section 64 of Act 30 of 2000, section 52 of Act 19 of 2001, section 53 of Act 30 of 2002, section 41 of Act 12 of 2003, section 155 of Act 45 of 2003, section 36 of Act 16 of 2004, section 14 of Act 9 of 2005 and section 36 of Act 9 of 2006

76. (1) Schedule No. 1 to the Customs and Excise Act, 1964, is hereby amended as set out in Appendix II to this Act.

(2) Subject to section 58(1) of the Customs and Excise Act, 1964, subsection (1) is deemed to have come into operation on 21 February 2007.

Continuation of certain amendments of Schedule No.1 to 6 and 10 to Act 91 of 1964

77. (1) (a) Subject to paragraph (b), every amendment or withdrawal of or insertion in Schedule Nos. 1 to 6, and 10 to the Customs and Excise Act, 1964, made under section 48, 49, 56 or 75(15) of that Act during the calendar year ending on 31 December 2006 shall not lapse by virtue of section 48(6), 49, 56(3) or 75(16) of that Act.

(b) Paragraph (a) shall not include amendments made under sections 48 and 75(15) of the Customs and Excise Act, 1964 by Government Notices R. 691 and R. 692 of 21 July 2006.

(2) The amendment of Parts 1, 2, 3, 5A and 5B of Schedule No. I, Schedule No.4, Schedule NO.5 and Schedule No.6 to the Customs and Excise Act, 1964, made respectively under sections 48 and 75(15) of that Act by Government Notices R. 281, R. 282, R. 283, R. 284, R. 285, R. 286 and R. 287 of 30 March 2007, in respect of the said Parts 1,2,3, 5A and 5B of Schedule No. I, Schedule No.4, Schedule No.5 and Schedule No.6 shall not lapse by virtue of the provisions of section 48(6) or 75(16) of that Act.

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973, section 8 of Act 88 of 1974, section 4 of Act 95 of 1978, section 7 of Act 99 of 1981, section 4 of Act 87 of 1982, section 4 of Act 118 of 1984, section 10 of Act 81 of 1985, section 18 of Act 87 of 1988, section 36 of Act 9 of 1989, section 4 of Act 69 of 1989, section 5 of Act 136 of 1992, section 13 of Act 97 of 1993, section 78 of Act 30 of 1998, section 67 of Act 30 of 2000, section 54 of Act 30 of 2002 and section 74 of Act 20 of 2006

78. (1) Section 4 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (1) for paragraph (1t) of the following paragraph:

"(h) any instrument transferred by any public benefit organisation contemplated in paragraph (a) of the definition of 'public benefit organisation' in section 30(1) of the Income Tax Act, 1962 (Act No. 58 of 1962), that has been approved by the Commissioner in terms of section 30(3) of [the Income Tax Act, 1962,] that Act, to any other entity which is controlled by such public benefit organisation."

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Wysiging van Bylae No.1 by Wet 91 van 1964, soos gewysig deur artikel19 van Wet 95 van 1965, artikel van Wet 57 van 1966, artikel 2 van Wet 96 van 1967, artikel 22 van Wet 85 van 1968, artikel 37 van Wet 105 van 1969, artikel 9 van Wet 98 van 1970, artikel 2 van Wet 89 van 1971, artikel 12 van Wet 103 van 1972, artikel 6 van Wet 68 van 1973, artikel 3 van Wet 64 van 1974, artikel 13 van Wet 71 van 1975, artikel13 van Wet 105 van 1976, artikel38 van Wet 112 van 1977, artikel3 van Wet 114 van 1981, artikel 27 van Wet 86 van 1982, artikel 10 van Wet 89 van 1984 artikel14 van Wet 101 van 1985, artikel11 van Wet 69 van 1988, artikel19 van Wet 68 van 1989, artikel40 van Wet 59 van 1990, artikel3 van Wet 111 van 1991, artikel 15 van Wet 105 van 1992, artikel13 van Wet 98 van 1993, artikel12 van Wet 19 van 1994, artikel 74 van Wet 45 van 1995, artikel8 van Wet 44 van 1996, artikel15 van Wet 27 van 1997, artikel 75 van Wet 30 van 1998, artikel 7 van Wet 32 van 1999, artikel64 van Wet 30 van 2000, artikel41 van Wet 12 van 2003, artikel155 van Wet 45 van 2003, artikel 36 van Wet 16 van 2004, artikel 14 van Wet 9 van 2005 en artikel36 van Wet 9 van 2006

76. (I) Bylae No. I by die Doeane- en Aksynswet, 1964 word hierby gewysig soos in Aanhangsel II by hierdie Wet uiteengesit.

(2) Behoudens artikel 58(1) van die Doeane- en Aksynswet, 1964, word subartikel (1) geag op 21 Februarie 2007 in werking te getree het.

Voortdnring van sekere wysigings van Bylaes Nos. 1 tot 6 en 10 by Wet 91 van 1964

77. (1) (a) Behoudens paragraaf (b) vervel elke wysiging of inrrekking van of invoeging in Bylaes Nos. 1 tot 6 en 10 by die Doeane- en Aksynswet, 1964, wat aangebring is kragtens artikel 48, 49, 56 of 75(15) van daardie Wet gedurende die kalenderjaar wat op 31 Desember 2006 geeindig het, nie uit hoofde van die bepaling van artikel 48(6), 49, 56(3) of 75(16) van daardie Wet nie.

(b) Paragraaf (a) sluit nie wysigings in nie wat kragtens artikels 48 en 75(15) van die Doeane- en Aksynswet, 1964, deur Goewermentskennisgewings R. 691 en R. 692 van 21 Julie 2006 uitgevaardig is.

(2) Die wysiging van Dele 1,2,3, 5A en 5B van Bylae No. I, Bylae No.4, Bylae No. 5 en Bylae No.6 by die Doeane- en Aksynswet, 1964, wat onderskeidelik kragtens artikels 48 en 75(15) van daardie Wet deur Goewermentskenningsgewings R.281, R.282, R.283, R.284, R.285, R.286 en R.287 van 30 Maart 2007, ten opsigte van bedoelde Dele 1,2,3, 5A en 5B van Bylae No. I, Bylae No.4, Bylae No.5 en Bylae No. 6 uitgevaardig is, vervel nie uit hoofde van die bepaling van artikel48(6) of75(16) van daardie Wet nie.

Wysiging van artikel 4 van Wet 77 van 1968, soos gewysig deur artikel17 van Wet 103 van 1969, artikel5 van Wet 72 van 1970, artikel6 van Wet 66 van 1973, artikel 8 van Wet 88 van 1974, artikel4 van Wet 95 van 1978, artikel 7 van Wet 99 van 1981, artikel4 van Wet 87 van 1982, artikel4 van Wet 118 van 1984, artikello van Wet 81 van 1985, artikel 18 van Wet 87 van 1988, artikel 36 van Wet 9 van 1989, artikel 4 van Wet 69 van 1989, artikel 5 van Wet 136 van 1992, artikel 13 van Wet 97 van 1993, artikel78 van Wet 30 van 1998, artikel67 van Wet 30 van 2000, artikel 54 van Wet 30 van 2002 en artikel 74 van Wet 20 van 2006

78. (I) Artikel4 van die Wet op Seelregte, 1968, word hierby gewysig deur paragraaf (h) in subartikel (1) deur die volgende paragraaf te vervang:

"(h) enige instrument [of bate] oorgedra deur enige openbare weldaadsorganisasie soos beoog in paragraaf (a) van die omskrywing van 'openbare weldaadsorganisasie' in artikel 30(1) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), wat deur die Kommissaris goedgekeur is ingevolge artikel 30(3) van [die Inkomstebelastingwet, 1962,] daardie Wet, aan enige ander entiteit wat deur bedoelde openbare weldaadsorganisasie beheer word."

(2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Amendment of section 22 of Act 77 of 1968, as amended by section 6 of Act 102 of 1979, section 88 of Act 32 of 2004 and section 97 of Act 31 of 2005

79. (I) Section 22 of the Stamp Duties Act, 1968, is hereby amended-

(a) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

"(b) in the case of a lease for an indefinite period, [two] five years; or";

(b) by the substitution in subsection (2) for subparagraph (iii) of paragraph (c) of the following subparagraph:

"(iii) if the lease is to continue in force or may be continued, renewed or extended for an indefinite period following the original period or the definite periods referred to in subparagraph (ii), a period of [two] five years.";

(c) by the deletion of subsection (3); and

(d) by the substitution for subsection (8) of the following subsection:

"(8) In the event of a lease terminating or being terminated before the end of the period in respect of which duty has been paid, the Commissioner shall, if satisfied of that fact and upon the application of the person by whom the duty was paid, [allow a] refund, [of] in the case that lease was terminated-

(a) within a period of five years from the date of the commencement of the rental period as contemplated in the lease agreement, the amount of such duty; and

(b) after a period of five years from the date of the commencement of the rental period as contemplated in the lease agreement, a proportionate amount of such duty."

(2) Subsection (I) shall be deemed to have come into operation on 1 June 2007 and shall apply in respect of any lease or agreement of lease executed on or after that date.

Amendment of Item 14 of Schedule 1 of Act 77 of 1968, as amended by section 19 of Act 114 of 1977, section 7 of Act 95 of 1978, section 90 of Act 32 of 2004, section 99 of Act 31 of 2005 and section 38 of Act 9 of 2006

80. (I) Item 14 of Schedule I of the Stamp Duties Act, 1968, is hereby replaced with the following Item:

14	Lease or agreement of lease (including any instrument intended or operating as a lease or sub-lease or as an agreement to let or sub-let) whereby immovable property is let for a period as contemplated in section 22(2) which is longer than five years, whether with or without other assets or rights, provided transfer duty is not chargeable in respect of such lease or agreement:	35
	(1) In respect of a lease or agreement, an amount of duty calculated on a sum equal to the aggregate amount of rent payable (exclusive of value-added tax) in respect of the period for which the lease or agreement is required to be stamped as provided in section 22 of this Act, plus the amount of any other consideration whatsoever, the amount of which is quantifiable at the time of execution of that lease or agreement (excluding the duty payable under this item and exclusive of value-added-tax) due or payable in respect or by virtue of that lease or agreement at a rate of 0,5 per cent of the quantifiable amount of the lease: Provided-	40
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Wysiging van artikel 22 van Wet 77 van 1968, soos gewysig deur artikel 6 van Wet 102 van 1979, artikel 88 van Wet 32 van 2004 en artikel 97 van Wet 31 van 2005

79. (I) Artikel 22 van die Wet op Seelregte, 1968, word hierby gewysig-
- (a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

"(b) in die geval van 'n huurooreenkoms vir 'n onbepaalde tydperk, [twee] vyf jaar; of";
 - (b) deur subparagraaf (iii) van paragraaf (c) in subartikel (2) deur die volgende subparagraaf te vervang:

"(iii) indien die huurooreenkoms vir 'n onbepaalde tydperk na verstryking van die oorspronklike tydperk of die bepaalde tydperke in subparagraaf (ii) bedoel, van krag sal wees of voortgesit, hernieu of verleng kan word, 'n tydperk van [twee] vyf jaar.";
 - (c) deur subartikel (3) te skrap; en
 - (d) deur subartikel (8) deur die volgende subartikel te vervang:

"(8) Ingeval 'n huurooreenkoms eindig of beëindig word voor die einde van die tydperk ten opsigte waarvan seelreg betaal is, moet die Kommissaris, indien hy of sy oortuig is dat dit wei die geval is, op aansoek van die persoon wat die seelreg betaal het, in die geval waar 'n huurooreenkoms beëindig was-

 - (a) binne 'n tydperk van vyf jaar vanaf die datum van die aanvang van die huurtydperk soos beoog in die huurooreenkoms, die bedrag van daardie seelreg terugbetaal; en
 - (b) na 'n tydperk van vyf jaar vanaf die datum van die aanvang van die huurtydperk soos beoog in die huurooreenkoms. *tn pro rata-deel* van dié seelreg terugbetaal."
- (2) Subartikel (1) word geag op 1 Junie 2007 in werking te getree het en is van toepassing ten opsigte van enige huur of huurooreenkoms wat op na daardie datum verly is.

Wysiging van Item 14 van Bylae 1 by Wet 77 van 1968, soos gewysig deur artikel 19 van Wet 114 van 1977, artikel 7 van Wet 95 van 1978, artikel 90 van Wet 32 van 2004, artikel 99 van Wet 31 van 2005 en artikel 38 van Wet 9 van 2006

80. (I) Item 14 van Bylae I by die Wet op Seelregte, 1968, word hierby deur die volgende item vervang:

14	Huur of huurooreenkoms (met inbegrip van 'n stuk wat bedoel is of geld as 'n huur of onderhuur of as 'n huur- of onderhuurooreenkoms) waarvolgens onroerende goed verhuur word vir 'n tydperk soos beoog in artikel 22(2) wat langer as vyf jaar is, hetsy met of sonder ander bates of regte, mits hereregte nie ten opsigte van sodanige huur of ooreenkoms hefbaar is nie:	35
	(I) Ten opsigte van so 'n huur of ooreenkoms, 'n bedrag aan seelreg bereken op 'n som gelykstaande aan die totale bedrag van die huurgeld wat betaalbaar is (uitgesluit belasting op toegevoegde waarde) ten opsigte van die tydperk waarvoor die huur of ooreenkoms, volgens voorskrif van artikel 22 van hierdie Wet gesêl moet word, tesame met die bedrag van enige ander vergoeding van watter aard ook al, waarvan die bedrag kwantifiseerbaar is ten tye van die verlyding van daardie huur of ooreenkoms (behalwe die seelreg ingevolge hierdie item betaalbaar en uitgesluit belasting op toegevoegde waarde) ten opsigte of uit hoofde van bedoelede huur of ooreenkoms teen 'n tarief van 0,5 persent van die kwantifiseerbare bedrag van die huur: Met dien verstande dat-	45
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	(i) waar die bedrag van vergoeding ingevolge 'n huur of ooreenkoms nie kwantifiseerbaar is ten tye van die verlyding van die huur nie, die seelreg bereken word teen 'n tarief van 0,5 persent op die som van die bedrae van daardie vergoeding wat kwantifiseerbaar geword het (uitgesluit belasting op toegevoegde waarde) gedurende enige jaar van aanslag, soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van enige verhuurder wat 'n belastingpliglike is. soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962, of in die 12 maande wat eindig op die laaste dag van Februarie van elke jaar, in die geval van enige ander verhuurder; en	5 10
	(ii) die seelreg belaaibaar ingevolge hierdie Item, bereken op die totale bedrag van die huurgeld en enige ander vergoeding betaalbaar ingevolge enige huur of ooreenkoms, nie 8 persent van die waarde van die eiendom in verband met daardie huur of ooreenkoms sal oorskry nie, welke waarde bepaal sal word ooreenkomslik die bepalings van artikels 5, 6, 7 en 8 van die Wet op Hereregule, 1949 (Wet No. 40 van 1949).	15 20
	(2) Ondanks andersluidende bepalings van hierdie Wet, word by die loepassing van hierdie Item 'n stuk wat, indien deur die partye daarby onderteken, 'n huur of ooreenkoms soos voormeld of 'n voortsetting, hemuwing of verlenging daarvan sou uitmaak, geag, indien deur die huurder onderteken, op die datum waarop dit aldus deur die huurder onderteken is. verly te gewees het, lensy bedoeldestuk binne drie maande na daardie datum ook deur die verhuurder onderteken is.	25 30

(2) Subartikel (1) word geag op 1 Junie 2007 in werking te getree het en is van toepassing ten opsigte van-

- (i) enige huur of huurooreenkoms wat op of na daardie datum verly is; en
- (ii) enige huur of huurooreenkoms wat voor daardie datum verly is en waarvan die vergoeding op of na daardie datum kwantifiseerbaar geword het as gevolg van die toepassing van artikel 8(1)(e) van die Wet op Seelregte, 1968.

Wysiging van artikell van Wet 89 van 1991, soos gewysig deur artikel 21 van Wet van Wet 136 van 1991, paragraaf 1 van Staatskennisgewing 2695 van 8 November 1991, artikel 12 van Wet 136 van 1992, artikell van Wet 61 van 1993, artikel 22 van Wet 97 van 1993, artikel 9 van Wet 20 van 1994, artikel 18 van Wet 37 van 1996, artikel 23 van Wet 27 van 1997, artikel 34 van Wet 34 van 1997, artikel 81 van Wet 53 van 1999, **artikel 76** van Wet 30 van 2000, artikel 64 van Wet 59 van 2000, artikel 65 van Wet 19 van 2001, artikel 148 van Wet 60 van 2001, artikel 114 van Wet 74 van 2002, artikel 47 van Wet 12 van 2003, artikel 164 van Wet 45 van 2003, artikel 43 van Wet 16 van 2004, artikel 92 van Wet 32 van 2004, artikel 18 van Wet 10 van 2005, artikell 101 van Wet 31 van 2005, artikel 40 van Wet 9 van 2006 en artikel 177 van Wet 20 van 2006

81. Artikel I van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig-

- (a) deur paragraaf (a) van die woordskrywing "kommersiele huisvesting" deur die volgende paragraaf te vervang:
 - “(a) inwoning of kos en inwoning, tesame met die verskaffing van huishoudelike goed en dienste, in enige huis, woonstel, vertrek, hotel, motel, herberg, gastehuis, losieshuis, huishoudelike inrigting, vakansieverblyfteenheid, chalet, tent, karavaan, kampeerplek, huisboot, of soortgelyke inrigting, wat gereeld of stelselmatig verskaf word en waar die totale jaarlikse ontvangste uit die lewering

- R60000 [per annum] in a period of 12 months or is reasonably expected to exceed R60 000 [per annum] in a period of 12 months, but excluding a dwelling supplied in terms of an agreement for the letting and hiring thereof;"; and
- (b) by the substitution for the definition of "municipality" of the following definition: 5
- " 'municipality' means a municipality as defined in section I of the Income Tax Act [which-
- (a) is an organ of state within the local sphere of government exercising legislative and executive authority within an area 10 determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); and
- (b) which has the power in terms of section 2 of the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004), to levy municipal rates, 15
- but does not include any institution or entity listed in the Schedules to the Public Finance Management Act, 1999 (Act No.1 of 1999)];".

Amendment of section 10 of Act 89 of 1991, as amended by section 26 of Act 136 of 1991, paragraph 5 of Government Notice 2695 of 8 November 1991, section 16 of Act 136 of 1992, section 26 of Act 97 of 1993, section 12 of Act 20 of 1994, section 21 20 of Act 37 of 1996, section 22 of Act 46 of 1996, section 27 of Act 27 of 1997, section 84 of Act 53 of 1999, section 68 of Act 19 of 2001, section 152 of Act 60 of 2001, section 168 of Act 45 of 2003, section 97 of Act 32 of 2004, section 104 of Act 31 of 2005, section 43 of Act 9 of 2006 and section 80 of Act 20 of 2006

82. Section 10 of the Value-Added Tax Act, 1991, is hereby amended- 25
- (a) by the substitution in subsection (2) for the words preceding paragraph (i) of the proviso of the following words:
- "(2) The value to be placed on any supply of goods or services shall, save as is otherwise provided in this section, be the [value] amount of the consideration for such supply, as determined in accordance with the 30 provisions of subsection (3), less so much of such [value] amount as represents tax: Provided that-";
- (b) by the substitution in subsection (2) for paragraph (ii) of the proviso of the following paragraph:
- "(ii) where the portion of the [value] amount of the said consideration 35 which represents tax is not accounted for separately by the vendor, the said portion shall be deemed to be an amount equal to the tax fraction of that consideration."; and
- (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 40
- "(3) For the purposes of this Act the [value] amount of any consideration referred to in this section shall be-". — — —

Amendment of section 16 of Act 89 of 1991, as amended by section 30 of Act 136 of 1991, section 21 of Act 136 of 1992, section 30 of Act 97 of 1993, section 16 of Act 20 of 1994, section 23 of Act 37 of 1996, section 32 of Act 27 of 1997, section 91 of Act 30 of 1998, section 87 of Act 53 of 1999, section 71 of Act 19 of 2001, section 156 of Act 60 of 2001, section 172 of Act 45 of 2003, section 107 of Act 31 of 2005, section 45 47 of Act 9 of 2006 and section 83 of Act 20 of 2006

83. (1) Section 16 of the Value-Added Tax Act, 1991, is hereby amended-
- (a) by the substitution in subsection (3)(a) for subparagraph (iv) of the following 50 subparagraph:

daarvan R60 000 [per jaar] in 'n tydperk van 12 maande oorskry of redelikerwys verwag word om R60000 in 'n tydperk van 12 maande te oorskry, maar met uitsluiting van 'n woning wat ingevolge 'n ooreenkoms vir die huur en verhuring daarvan verskaf word;" en

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- (b) deur die woordskrywing van "munisipaliteit" deur die volgende woordskrywing te vervang:

"'munisipaliteit' 'n munisipaliteit soos omskryf in artikel 1 van die Inkomstebelastingwet [wat-

- (a) 'n staatsorgaan is binne die plaaslike regeringsfeer wat wetgewende en uitvoerende bevoegheid binne 'n gebied vasgestel ingevolge die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998), uitoefen; en

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- (b) ingevolge artikel 2 van die 'Local Government: Municipal Property Rates Act, 2004' (Wet No. 6 van 2004), die bevoegdheid het om munisipale heffings op te lê, maar nie ook enige instelling of entiteit gelys in die Bylaes by die Wet op Openbare Finansiële Bestuur, 1999 (Wet No.1 van 1999), nie];".

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Wysiging van artikell0 van Wet 89 van 1991, soos gewysig deur artikel 26 van Wet 136 van 1991, paragraph 5 van Government Notice 2695 van 8 November 1991, artikel16 van Wet 136 van 1992, artikel26 van Wet 97 van 1993, artikel12 van Wet 20 van 1994, artikel21 van Wet 37 van 1996, artikel22 van Wet 46 van 1996, artikel 27 van Wet 27 van 1997, artikel84 van Wet 53 van 1999, artikel 68 van Wet 19 van 2001, artikel152 van Wet 60 van 2001, artikell68 van Wet 45 van 2003, artikel 97 van Wet 32 van 2004, artikel 104 van Wet 31 van 2005, artikel 43 van Wet 9 van 2006 en artikel 80 van Wet 20 van 2006

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82. Artikel 10 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig-

- (a) deur die woorde wat paragraaf (i) van die voorbehoudsbepaaiing in subartikel (2) voorafgaan deur die volgende woorde te vervang:

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"(2) Behalwe waar in hierdie artikel anders bepaal word, is die [waarde] bedrag wat op die lewering van goed van dienste geplaas moet word, die waarde van die vergoeding vir daardie lewering, soos bepaal ooreenkomstig die bepalings van subartikel (3), min soveel van daardie [waarde] bedrag as wat belasting verteenwoordig: Met dien verstande dat->";

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- (b) deur paragraaf (ii) van die voorbehoudsbepaling in subartikel (2) deur die volgende paragraaf te vervang:

"(ii) waar die gedeelte van die [waarde] bedrag van bedoelde vergoeding wat belasting verteenwoordig nie afsonderlik deur die ondernemer in berekening gebring word nie, daardie gedeelte geag word 'n bedrag te wees wat gelyk is aan die belastingbreukdeel van daardie vergoeding."; en

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- (e) deur die woorde wat paragraaf (a) in subartikel (3) voorafgaan deur die volgende woorde te vervang:

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"(3) By die toepassing van hierdie Wet is die [waarde] bedrag van enige vergoeding in hierdie artikel bedoel-".

Wysiging van artikel16 van Wet 89 van 1991, soos gewysig deur artikel 30 van Wet 136 van 1991, artikel 21 van Wet 136 van 1992, artikel 30 van Wet 97 van 1993, artikel16 van Wet 20 van 1994, artikel23 van Wet 37 van 1996, artikel32 van Wet 27 van 1997, artikel191 van Wet 30 van 1998, artikel87 van Wet 53 van 1999, artikel 71 van Wet 19 van 2001, artikel156 van Wet 60 van 2001, artikell72 van Wet 45 van 2003, artikell07 van Wet 31 van 2005, artikel47 van Wet 9 van 2006 en artikel 83 van Wet 20 van 2006

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83. (I) Artikel 16 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig-

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- (a) deur subparagraaf (iv) in subartikel (3)(a) deur die volgende subparagraaf te vervang:

- "(iv) charged in terms of section 7(3)(a) in respect of goods subject to excise duty or environmental levy as contemplated in that section and invoiced or paid, whichever is the earlier, during that tax period;" **and**
- (b) by the substitution in subsection (3)(b) for subparagraph (ii) of the following subparagraph: 5
- "(ii) charged in terms of section 7(1)(b) in respect of goods imported into the Republic by the vendor or in terms of section 7(3)(a) in respect of goods subject to excise duty or environmental levy as contemplated in that section and paid by the vendor during the tax period;" 10
- (2) Subsections (1)(a) and (b) shall be deemed to have come into operation on 24 January 2005.

Amendment of section 17 of Act 89 of 1991, as amended by section 31 of Act 136 of 1991, section 22 of Act 136 of 1992, section 31 of Act 97 of 1993, section 33 of Act 27 of 1997, section 92 of Act 30 of 1998, section 88 of Act 53 of 1999, section 173 of Act 45 of 2003, section 17 of Act 20 of 1994, section 102 of Act 32 of 2004, section 108 of Act 31 of 2005, section 48 of Act 9 of 2006 and section 84 of Act 20 of 2006 15

84. (I) Section 17 of the Value-Added Tax Act, 1991, is hereby amended-

- (a) by the substitution in subsection (I) for the words preceding paragraph (i) of the proviso of the following words: 20
- "Where goods or services are acquired or imported by a vendor partly for consumption, use or supply (hereinafter referred to as the intended use) in the course of making taxable supplies and partly for another intended use, the extent to which any tax which has become payable in respect of the supply to [him] the vendor or the importation by [him] the vendor, as the case may be, of such goods or services or in respect of such goods under section 7(3) or any amount determined in accordance with paragraph (b) or (e) of the definition of 'input tax' in section 1, is input tax, shall be an amount which bears to the full amount of such tax or amount, as the case may be, the same ratio (as determined [in accordance with a general written ruling] by the Commissioner [or a written ruling given by the Commissioner to such vendor]) in accordance with a ruling as contemplated in section 41A or 41B as the intended use of such goods or services in the course of making taxable supplies bears to the total intended use of such goods or services: 25
- Provided that-"; 30
- (b) by the substitution in subsection (I) for paragraph (iii) of the proviso paragraph of the following paragraph: 35
- "(iii) where a method for determining the ratio referred to in this subsection has been approved by the Commissioner, [by way of a general written ruling or a written ruling given to such vendor,] that method may only be changed with effect from a future tax period, or from such other date as the Commissioner may consider equitable."; 40
- (e) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 45
- "(2) Notwithstanding anything in this Act to the contrary, a vendor, [other than a foreign donor funded project,] shall not be entitled to deduct from the sum of the amounts of output tax and refunds contemplated in section 16(3), any amount of input tax-"; and 50
- (d) by the substitution for subsection (2A) of the following subsection: 55
- "(2A) Subsection (2) shall not apply to [such] input tax in respect of goods or services that are applied in the course [of] or furtherance of a foreign donor funded project to the extent that the Minister announces that [those] the funding [are] of that foreign donor funded project is zero-rated in terms of section 11(2)(q) by notice in the *Gazette*."

- "(iv) wat gehef is ingevolge artikel 7(3)(a) ten opsigte van goed onderworpe aan aksynsreg of omgewingsheffing soos in daardie artikel beoog, en gedurende daardie belastingtydperk gefaktureer of betaal is, watter ook al die vroegste is;" en
- (b) deur subparagraaf (ii) in subartikel (3)(b) deur die volgende subparagraaf te vervang:
- "(ii) wat gehef is ingevolge artikel 7(1)(b) ten opsigte van goed in die Republiek ingevoer deur die ondernemer of ingevolge artikel 7(3)(a) ten opsigte van goed onderworpe aan aksynsreg of omgewingsheffing soos in daardie artikel beoog en deur die ondernemer gedurende die belastingtydperk betaal;"
- (2) Subartikels (1)(a) en (b) word geag op 24 Januarie 2005 in werking te getree het.

Wysiging van artikel 17 van Wet 89 van 1991, soos gewysig deur artikel 31 van Wet 136 van 1991, artikel 22 van Wet 136 van 1992, artikel 31 van Wet 97 van 1993, artikel 33 van Wet 27 van 1997, artikel 92 van Wet 30 van 1998, artikel 88 van Wet 53 van 1999, artikel 173 van Wet 45 van 2003, artikel 17 van Wet 20 van 1994, artikel 102 van Wet 32 van 2004, artikel 108 van Wet 31 van 2005, artikel 48 van Wet 9 van 2006 en artikel 84 van Wet 20 van 2006

84. (1) Artikel 17 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig-

- (a) deur die woorde wat paragraaf (i) van die voorbehoudsbepaling in subartikel (1) voorafgaan deur die volgende woorde te vervang:
- "Waar goed of dienste deur 'n ondernemer verkry of ingevoer word gedeeltelik vir verbruik, gebruik of lewering (hieronder die voorgenome gebruik genoem) in die loop van die doen van belasbare lewerings en gedeeltelik vir 'n ander voorgenome gebruik, is die mate waarin enige belasting wat betaalbaar geword het ten opsigte van die lewering aan [hom] die ondernemer of die invoer deur [hom] die ondernemer, na gelang van die geval, van bedoelde goed of dienste of ten opsigte van bedoelde goed ingevolge artikel 7(3) of enige bedrag vasgestel ooreenkomstig paragraaf (b) of (c) van die omskrywing van 'insetbelasting' in artikel 1 insetbelasting is, 'n bedrag wat, tot die volle bedrag van bedoelde belasting of bedrag, na gelang van die geval, in dieselfde verhouding staan as die verhouding (vasgestel [ooreenkomstig 'n algemene skriftelike beslissing] deur die Kommissaris [of 'n skriftelike beslissing wat deur die Kommissaris aan bedoelde ondernemer gegee is] ooreenkomstig 'n beslissing soos beoog in artikel 41A of 418) waarin die voorgenome gebruik van bedoelde goed of dienste in die loop van die doen van belasbare lewerings tot die totale voorgenome gebruik van bedoelde goed of dienste, staan: Met dien verstande dat-";
- (b) deur paragraaf (iii) van die voorbehoudsbepaling in subartikel (1) deur die volgende paragraaf te vervang:
- "(iii) waar 'n metode vir die vasstelling van die verhouding in hierdie subartikel bedoel deur die Kommissaris [by wyse van 'n algemene skriftelike beslissing of 'n skriftelike beslissing wat aan bedoelde ondernemer gegee is,] goedgekeur is, mag daardie metode slegs met ingang van 'n toekomstige belastingtydperk verander word, of van die ander datum wat die Kommissaris billik ag.";
- (c) deur die woorde in subartikel (2) wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- "(2) Ondanks enige andersluidende bepaling van hierdie Wet is 'n ondernemer[, behalwe 'n buitelandse skenker-gefinansierde projek,] nie geregtig om van die totaal van die bedrae aan uitsetbelasting en terugbetalings in artikel 16(3) beoog, enige bedrag aan insetbelasting af **te trek nie**-" en
- (d) deur subartikel (2A) deur die volgende subartikel te vervang:
- "(2A) Subartikel (2) is Die van toepassing nie op [daardie] insetbelasting met betrekking tot die goed of dienste wat in die loop of ter bevordering van 'n buitelandse skenker-gefinansierde projek aangewend

(2) Subsection (1)(a) and (b) shall be deemed to have come into operation on 1 January 2007.

Amendment of Item 413.00 of Schedule 1 to Act 89 of 1991. as inserted by section 89 of Act 20 of 2006

85. (1) Item 413.00 of Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended by the substitution for paragraph 1(c) of the Notes to item no. 413.00 of the following paragraph: 5

"(c) the FIFA Flagship Store Operator may only import consumable, semi-durable or promotional Championship related goods under items 413.01, 413.02 and 413.03, excluding tobacco products and cosmetics, [and only from a date six 10 months before the 2009 Confederations Cup] until one month after the date of the closing ceremony of the 2010 FIFA World Cup South Africa."

(2) Subsection (1) is deemed to have come into operation on 1 April 2006.

Amendment of section 1 of Act 38 of 1996 as amended by section 31 of Act 46 of 1996, section 57 of Act 27 of 1997, section 85 of Act 30 of 2000, section 66 of Act 59 15 of 2000, section 124 of Act 31 of 2005

86. (1) Section 1 of the Tax on Retirement Funds Act, 1996, is hereby amended by the substitution in the definition of "tax period" for paragraph (c) of the following paragraph:

"(c) every consecutive period of 6 months ending on 31 August or the last day of February thereafter, as the case may be, other than a period ending after 28 February 2007;". 20

(2) Subsection (1) shall be deemed to have come into operation on 1 March 2007.

Amendment of section 30 of Act 32 of 2004

87. Section 30 of the Revenue Laws Amendment Act, 2004, is hereby amended by the substitution for subsection (2) of the following subsection: 25

"(2) Subsection (1) shall come into operation on [a date to be determined by the President by Proclamation in the *Gazette*] 1 September 2007 and shall apply in respect of any disposal on or after that date.".

Amendment of section 16 of Act 31 of 2005 30

88. Section 16 of the Revenue Laws Amendment Act, 2005, is hereby amended by the substitution in subsection (2) for paragraph (e) of the following paragraph:

"(e) Subsection (1)(g) shall come into operation on [a date to be fixed by the President by proclamation in the *Gazette*] 1 August 2006 and shall apply in respect of any specified activity performed on or after that date.". 35

Insertion of section 2A in Act 9 of 2006

89. (1) The following section is hereby inserted in the Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006 after section 2:

"Certain powers of Commissioner in relation to trust

2A. Where trust income or assets were vested in or distributed to any trust beneficiary during the 2006 year of assessment or the preceding two 40

word tot die mate dat die Minister by kennisgewing in die *Staatskoerant* aankondig dat [daardie] die fondse van daardie buitelandse skenker-gefinansierde projek onderhewig is aan die nulkoers ingevolge artikel 11(2)(q).".

(2) Subartikel (1)(a) en (b) word geag op 1 Januarie 2007 in werking te getree het. 5

Wysiging van Item 413.00 van Bylae 1 by Wet 89 van 1991, soos ingevoeg deur artikel 89 van Wet 20 van 2006

85. (1) Item 413.00 van Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur paragraaf 1(c) van die Notas by item no. 413.00 deur die volgende paragraaf te vervang: 10

"(c) mag die FIFA vlagskipwinkel operateur slegs verbruiksartikels, semi-duursame van promosionele Kampioenskap verwante goed invoer ingevolge item 413.01, 413.02 en 413.03, uitgesonderd tabakprodukte en kosmetiek, [en slegs vanaf 'n datum ses maande voor die 2009 Konfederasie Reker] tot een maand na die datum van die sluitingseremonie van die 2010 FIFA IS Wereldbeker Suid-Afrika."

(2) Subartikel (1) word geag op 1 April 2006 in werking te getree het.

Wysiging van Wet 38 van 1996, soos gewysig deur artikel 31 van Wet 46 van 1996, artikel 32 van Wet 46 van 1996, artikel 57 van Wet 27 van 1997, artikel 58 van Wet 27 van 1997, artikel 59 van Wet 27 van 1997, artikel 107 van Wet 30 van 1998, 20 artikel 86 van Wet 30 van 2000, artikel 66 van Wet 59 van 2000, artikel 67 van Wet 59 van 2000, artikel 68 van Wet 59 van 2000, artikel 69 van Wet 59 van 2000, artikel 85 van Wet 30 van 2000, artikel 49 van Wet 12v van 2003, artikel 57 van Wet 16 van 2004, artikel 58 van Wet 16 van 2004, artikel 124 van Wet 31 van 2005 en artikel 54 van Wet 9 van 2006 25

86. (1) Artikel I van die Wet op Belasting op Uittreefondse, 1996, word hierby gewysig deur paragraaf (c) van die omskrywing van "belastingtydperk" deur die volgende paragraaf te vervang:

"(c) elke opeenvolgende tydperk van 6 maande eindigende op 31 Augustus of die laaste dag van Februarie daarna, na gelang van die geval, uitgesluit 'n tydperk eindigende na 28 Februarie 2007;" 30

(2) Subartikel (1) word geag op 1 Maart 2007 in werking te getree het.

Wysiging van artikel 30 van Wet 32 van 2004

87. Artikel 30 van die Wysigingswet op Inkomstewette, 2004, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 35

"(2) Subartikel (1) tree in werking op ['n datum soos bepaal deur die President by Proklamasie in die *Staatskoerant*] 1 September 2007 en is van toepassing ten opsigte van enige beskikking OD of na daardie datum."

Wysiging van artikel 16 van Wet 31 van 2005

88. (1) Artikel 16 van die Wysigingswet op Inkomstewette, 2005, word hierby gewysig deur in subartikel (2) paragraaf (e) deur die volgende paragraaf te vervang: 40

"(e) Subartikel (1)(g) [tree] word geag in werking te getree het op ['n datum soos bepaal deur die President by Proklamasie in die *Staatskoerant*] 1 Augustus 2006 en is van toepassing ten opsigte van enige gespesifiseerde aktiwiteit OD of na daardie datum uitgevoer." 45

Invoeging van artikel 2A in Wet 9 van 2006

89. (1) Die volgende artikel word hierby in die Wet op Kleinbesigheids-belastingamnestie en Wysiging van Belastingwette, 2006, na artikel 2 ingevoeg:

"Sekere magte van Kommissaris met betrekking tot trust

2A. Waar trustinkomste of bates gevestig het in of uitgekeer is aan enige trustbegunstigde gedurende die 2006 jaar van aanslag of die voorafgaande 50

years of assessment, the Commissioner may, for purposes of determining whether all the beneficiaries of that trust throughout the 2006 year of assessment were natural persons, disregard the trust beneficiaries in whom or to whom income or assets were not vested or distributed during the 2006 year of assessment and the preceding two years of assessment."

5

(2) Subsection (1) shall be deemed to have come into operation on 1 August 2006.

Amendment of section 3 of Act 9 of 2006

90. (1) Section 3 of the Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006, is hereby amended by the substitution for paragraph (a) of the following paragraph:

10

"(a) during the period commencing 1 August 2006 and ending [31 May 2007] 30 June 2007."

(2) Subsection (1) shall be deemed to have come into operation on 31 May 2007.

Insertion of section 9A in Act 9 of 2006

91. (1) The following section is hereby inserted in the Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006 after section 9:

15

"Additional provisions relating to tax relief

9A. (1) Any amount accrued to an applicant as a result of the relief contemplated in section 8 must be treated as exempt from normal tax in terms of section 10 of the Income Tax Act and any capital gain or capital loss arising from that accrual must be disregarded.

20

(2) An applicant may not claim any deduction and must disregard any capital loss in respect of any claim made against that applicant by another person that relates to any tax, contribution or levy for which relief has been granted in terms of section 8.

25

(3) Any capital gain or capital loss as a result of the waiver of an amount as contemplated in section 13 must be disregarded."

(2) Subsection (1) shall be deemed to have come into operation on 1 August 2006.

Amendment of section 13 of Act 9 of 2006

92. (1) Section 13 of the Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006, is hereby amended by the addition of the following subsection:

30

"(4) Any reference to the date of 31 May 2007 in the regulations published in terms of this section must be construed to be the second date as contemplated in section 3(a)."

(2) Subsection (1) shall be deemed to have come into operation on 31 May 2007.

35

Amendment of Schedule 1 to Act 9 of 2006, as amended by section 105 of Act 20 of 2006

93. (1) The Small Business Tax Amnesty and Amendment of Taxation Laws Act, 2006, is hereby amended by the substitution in Schedule 1 for subitem (i) of item 2 of the following subitem:

40

"(i) on each [rand] Rand of taxable income derived by a public benefit organisation [or recreational club] contemplated in paragraph (a) of the definition of 'public benefit organisation' in section 30(1) of the Income Tax Act, 1962 (Act No. 58 of 1962), that has been approved by the Commissioner in terms of section 30(3) of that Act, 29 cents;"

45

(2) Subsection (1) shall be deemed to have come into operation on 25 July 2006.

twee jare van aanslag, mag die Kommissaris, met die doel om te bepaal of al die begunstigdes van daardie trust gedurende die 2006 jaar van aanslag natuurlike persone was, daardie trust begunstigdes in wie of aan wie inkomste of bates nie gevestig het of uitgekeer is gedurende die 2006 jaar van aanslag en die voorafgaande twee jare van aanslag nie, buite rekening laat." 5

(2) Subartikel (1) word geag op 1 Augustus 2006 in werking te getree het.

Wysiging van artikel 3 van Wet 9 van 2006

90. (1) Artikel 3 van die Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006, word hierby gewysig deur paragraaf (a) deur die volgende 10 paragraaf te vervang:

"(a) gedurende die tydperk wat op 1 Augustus 2006 begin en op [31 Mei 2007]30 Junie 2007 eindig; en"

(2) Subartikel (1) word geag op 31 Mei 2007 in werking te getree het.

Invoeging van artikel 9A in Wet 9 van 2006

91. (1) Die Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006, word hierby gewysig deur die volgende artikel in te voeg na artikel 9:

"Verdere bepalinge met betrekking tot belastingverligting

9A. (1) Enige bedrag toegeval aan 'n appikant as gevolg van die verligting soos bedoel in artikel 8 moet geag word vrygestel te wees van normale belasting ingevolge artikel 10 van die Inkomstebelastingwet en enige kapitale wins of kapitale verlies voortspruitend uit daardie toevalling moet buite rekening gelaat word. 20

(2) 'n Appikant mag nie enige aftrekking eis nie en moet enige kapitale verlies buite rekening laat, ten opsigte van enige eis gemaak teen die appikant deur 'n ander persoon wat verband hou met enige belasting, bydrae of hefting ten opsigte waarvan verligting in terme van artikel 8 toegestaan is. 25

(3) Enige kapitale wins of kapitale verlies as gevolg van die kwytstelling van 'n bedrag soos bedoel in artikel 13 moet buite rekening gelaat word." 30

(2) Subartikel (1) word geag op 1 Augustus 2006 in werking te getree het.

Wysiging van artikel 13 van Wet 9 van 2006

92. (1) Artikel 13 van die Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006, word hierby gewysig deur die volgende subartikel by te voeg: 35

"(4) Enige verwysing na die datum van 31 Mei 2007 in die regulasies ingevolge hierdie artikel gepubliseer moet gekonstrueer word as die tweede datum soos beoog in artikel 3(a)."

(2) Subartikel (1) word geag op 31 Mei 2007 in werking te getree het. 40

Wysiging van Bylae 1 by Wet 9 van 2006, soos gewysig deur artikel 105 van Wet 20 van 2006

93. (1) Die Wet op Kleinbesigheidsbelastingamnestie en Wysiging van Belastingwette, 2006, word hierby gewysig deur in Bylae 1 subparagraaf (i) van paragraaf 2 deur die volgende subparagraaf te vervang: 45

"(i) op elke [rand] Rand van belasbare inkomste, verkry deur 'n openbare weldaadsorganisasie [of ontspanningsklub] soos bedoel in paragraaf (a) van die omskrywing van 'openbare weldaadsorganisaie' in artikel 30(1) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), wat deur die Kommissaris ingevolge artikel 30(3) van daardie Wet goedgekeur is, 50 [verkry,] 29 sent;"

(2) Subartikel (1) word geag op 25 Julie 2006 in werking te getree het.

Amendment of the long title to Act 20 of 2006

94. (I) The long title to the Revenue Laws Amendment Act, 2006, is hereby amended-

- (a) by the substitution for the expression "to amend the regulation of a dividend cycle;" of the following expression to amend the definition of a dividend cycle"; 5
- (b) by the substitution for the expression "to amend the definition of domestic or foreign financial investment holding company" of the following expression:
"to amend the definition of domestic [or] and foreign financial instrument holding company" of the following expression"; 10
- (c) by the substitution for the expression "to provide for a *de minimus* rule for refunds;" of the following expression:
"to provide for a [*de minimus*] *de minimis* rule for refunds;"; 15
- (d) by the substitution for the expression "and to provide for the rates of taxation in respect of recreational clubs or public benefit organisations;" of the following expression:
"and to provide for the rates of taxation in respect of recreational clubs or public benefit organisations[;]"; 20
- (e) by the deletion of the full-stop at the end thereof; and 20
- (f) by the addition of the following expression:
"and to provide for matters connected therewith.".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 3 of Act 20 of 2006

95. (I) Section 3 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (2) of the following subsection: 25

"(2) [Paragraphs (p) and (q) of subsection (1) shall come into operation on a date to be determined by the President by notice in the *Gazette*] Paragraphs (i) and (o) of subsection (1) shall be deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment commencing on or after that date.". 30

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 9 of Act 20 of 2006

96. (I) Section 9 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (2) of the following subsection: 35

"(2) Subsection (1), other than subsection (1)(e), is deemed to have come into operation on 2 November 2006 and shall apply in respect of any year of assessment ending on or after that date.". 35

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 10 of Act 20 of 2006 40

97. (I) Section 10 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Paragraph (j) of subsection (1), to the extent that it inserts paragraph (cO) into subsection (I), and paragraph [(I)] (k) of subsection (I), shall come into operation on 1 April 2007 and shall apply in respect of any year of assessment commencing on or after that date.". 45

(2) Subsection (I) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 11 of Act 20 of 2006

98. (1) Section II of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (4) of the following subsection: 50

"(4) Paragraph (c) of subsection (I) [is] shall be deemed to have come into operation on [31 December] 2 November 2006 and shall apply in respect of any year of assessment [commencing] ending on or after that date.". 50

Wysiging van lang titel van Wet 20 van 2006

94. (I) Die lang titel van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig-

- (a) deur die uitdrukking "die regulering van 'n dividendsiklus te wysig;" deur die volgende uitdrukking te vervang: 5
 "[die regulering] die omskrywing van 'n dividendsiklus te wysig;"
- (b) deur in die Engelse teks die uitdrukking "to amend the definition of domestic or foreign financial investment holding company" deur die volgende uitdrukking te vervang: 10
 "to amend the definition of domestic [or] and foreign financial instrument holding company;"
- (c) deur in die Engelse teks die uitdrukking "to provide for a *de minimus* rule for refunds;" deur die volgende uitdrukking te vervang:
 "to provide for a [*de minimus*] de minimis rule for refunds;"
- (d) deur die uitdrukking "om voorsiening te maak vir die skale van belasting ten opsigte van ontspanningsklubs of openbare weldaadsorganisasies;" 15
 deur die volgende uitdrukking te vervang:
 "om voorsiening te maak vir die skale van belasting ten opsigte van ontspanningsklubs of openbare weldaadsorganisasies[;]"
- (e) deur die punt aan die einde daarvan te skrap; en 20
- (f) deur die volgende woorde by te voeg:
"en voorsiening te maak vir aangcleenthede wat daarmee in verband staan."

(2) Subartikel (I) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 3 van Wet 20 van 2006

25

95. (I) Artikel 3 van die Wysigingwet op Inkomstewette, 2006, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) [Paragrafe (q) en (p) van subartikel (1) tree in werking op 'n datum deur die President by kennisgewing in die *Staatskoerant* bepaal] Paragrafe (g) en (l) van subartikel (I) word geag in werking te getree het op 2 November 2006 en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum 'n aanvang neem." 30

(2) Subartikel (I) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 9 van Wet 20 van 2006

96. (1) Artikel 9 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig 35 deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (I), uitgesluit subartikel (l)Ce, word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig."

(2) Subartikel (I) word geag op 7 Februarie 2007 in werking te getree het. 40

Wysiging van artikel 10 van Wet 20 van 2006

97. (1) Artikel 10 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig 45 deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Paragraaf (j) van subartikel (1), tot die mate wat dit paragraaf (cO) invoeg in subartikel (1), en [paragraaf(l)] paragraaf(k) van subartikel (I), tree op 1 April 2007 in werking en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum begin."

(2) Subartikel (I) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 11 van Wet 20 van 2006

98. (I) Artikel 11 van die Wysigingswet op Inkomstewette, 2006, word hierby 50 gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Paragraaf (c) van subartikel (1) word geag op [31 Desember] 2 November 2006 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum [begin] eindig."

(2) Subsection (I) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 13 of Act 20 of 2006

99. (I) Section 13 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (I) is deemed to have come into effect on 2 November 2006 and shall apply in respect of [expenditure actually incurred] any activities undertaken on or after that date, or buildings, machinery, plant, implements, utensils or articles [of a capital nature] brought into use for the first time on or after that date.".

(2) Subsection (I) shall be deemed to have come into effect on 7 February 2007.

Amendment of section 14 of Act 20 of 2006

100. (1) Section 14 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution in paragraph (b) for the words preceding the amendment of the following words:

"by the insertion in subsection (4) after item (ee) of subparagraph (ii) of paragraph (a) of the following [subitems] items:".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 15 of Act 20 of 2006

101. (I) Section 15 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for the words preceding the amendment of the following words:

"Section 15 of the Income Tax Act, 1962, is hereby amended by the substitution for the words in paragraph (b) that precede the proviso of the following [paragraph] words:".

(2) Subsection (2) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 21 of Act 20 of 2006

102. (1) Section 21 of the Revenue Laws Amendment Act, 2006, is hereby amended by renumbering the current section as section 21(1) and by the addition of the following subsection:

"(2) Subsection (1) shall be deemed to have come into operation on 2 November 2006 and applies in respect of any year of assessment commencing on or after that date.".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 28 of Act 20 of 2006

103. (1) Section 28 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) [Paragraphs (a) to (h) are] Subsection (I) shall be deemed to have come into operation on 8 November 2005 and shall apply in respect of any [year of assessment ending] transaction entered into, or distribution made, on or after that date.".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 35 of Act 20 of 2006

104. (1) Section 35 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution in paragraph (e) for the words preceding the amendment of the following words:

"by the [additoin] addition to subsection (2) of the following paragraphs:".

(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

(2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 13 van Wet 20 van 2006

99. (1) Artikel 13 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- "(2) Subartikel (1) word geag op 2 November 2006 in werking te getree het en is van toepassing ten opsigte van [onkoste werklik aangegaan,] enige aktiwiteite op of na daardie datum verrig, of geboue, masjinerie, installasie, gereedskap, werktuie of [artikel van 'n kapitale aard] artikels vir die eerste maal [geneem] op of na daardie datum in gebruik geneem."
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 14 van Wet 20 van 2006

100. (1) Artikel 14 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur in paragraaf (b) van die Engelse teks die woorde wat die wysiging voorafgaan deur die volgende woorde te vervang:

- "by the insertion in subsection (4) after item (ee) of subparagraph (ii) of paragraph (a) of the following [subitems] items:"
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree hct,

Wysiging van artikel 15 van Wet 20 van 2006

101. (1) Artikel 15 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die woorde van die Engelse teks wat die wysiging voorafgaan deur die volgende woorde te vervang:

- "Section 15 of the Income Tax Act, 1962, is hereby amended by the substitution For the words in paragraph (b) that precede the proviso of the following [paragraph] words:"
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 21 van Wet 20 van 2006

102. (1) Artikel 21 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die huidige artikel te hernoem tot artikel 21(1) en die volgende subartikel by te voeg:

- "(2) Slibartikel (1) word geag in werking te getree het op 2 November 2006 en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum begin."
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 28 van Wet 20 van 2006

103. (1) Artikel 28 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- "(2) [Paragrafe (a) tot (e) en (g) tot (i)] Subartikel (1) word geag op 8 November 2005 in werking te getree het en is van toepassing ten opsigte van enige [jaar van aanslag] transaksie aangegaan, of uitkering gemaak, [wat] op of na daardie datum [eindig]."
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 35 van Wet 20 van 2006

104. (1) Artikel 35 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur in paragraaf (c) die woorde van die Engelse teks wat die wysiging voorafgaan deur die volgende woorde te vervang:

- "by the [additioin] addition to subsection (2) of the following paragraphs:"
- (2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Amendment of section 43 of Act 20 of 2006

105. (I) Section 43 of the Revenue Laws Amendment Act, 2006, is hereby amended by renumbering the current section as section 43(1) and by the addition of the following subsection:

"(2) Subsection (I) shall be deemed to have come into operation on 1 March 2006."

(2) Subsection (I) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 64 of Act 20 of 2006

106. Section 64 of the Revenue Laws Amendment Act, 2006, is hereby amended-
(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

"(b) by the insertion after subsection (4) of the following subsection:

(4A) The liability for duty on goods in terms of subsection (4) shall cease, in the case of-

(a) the master-

(i) upon receipt of the goods by a -

(aa) container terminal operator;

(bb) combination terminal operator;

(cc) transit shed operator;

(dd) bulk goods terminal operator;

(ee) road vehicle terminal operator;

(ff) container depot operator; or

(gg) degrouping operator; or

(ii) where, if determined by rule as contemplated in section II, after due entry and release thereof-

(aa) if entered for home consumption, upon receipt thereof by the importer or the importer's agent;

(bb) if entered for warehousing in a customs and excise warehouse, upon receipt by the licensee of such warehouse;

(cc) upon receipt by the person who has entered the goods for removal in bond in terms of section 18; or

(dd) upon receipt by any other person in circumstances and in accordance with procedures as may be prescribed by rule; or

(iii) where any goods have not been dealt with as contemplated in subparagraphs (i) and (ii), on delivery thereof to the State warehouse or any other place with the permission of the Commissioner as contemplated in section II;

(b) the pilot-

(i) upon receipt of the goods by-

(aa) a transit shed operator; or

(bb) a degrouping operator; or

(ii) where, if determined by rule as contemplated in section 11, after due entry and release thereof-

(aa) if entered for home consumption, upon receipt of the goods by the importer or the importer's agent;

(bb) if entered for warehousing in a customs and excise warehouse, upon receipt by the licensee of such warehouse;

(cc) upon receipt by the person who has entered the goods for removal in bond in terms of section 18; or

(dd) upon receipt by any other person in circumstances and in accordance with procedures as may be prescribed by rule; or

Wysiging van artikel 43 van Wet 20 van 2006

105. (I) Artikel 43 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die huidige artikel te hernoem tot artikel 43(1) en die volgende subartikel by te voeg:

"(2) Subartikel 1 word geag op 1 Maart 2006 in werking te getree het."

5

(2) Subartikel (I) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van Artikel 64 van Wet 20 van 2006

106. Artikel 64 van die Wysigingswet op Inkomstewette, 2006 word hierby gewysig-

(a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: 10

"(b) deur na subartikel (4) die volgende subartikel in te voeg:

(4A) Die aanspreeklikheid vir reg op goedere ingevolge subartikel (4) verval in die geval van-

(a) die gesagvoerder-

(i) by ontvangs van die goedere deur 'n-

15

(aa) houereindpuntbediener;

(bb) kombinasie-eindpuntbediener;

(ee) deurvoerloodsbediener;

(dd) massagoedere-eindpuntbediener;

(ee) padvoertuigeindpuntbediener;

20

(ff) houerdepotbediener; of

(gg) ontgroeperingbediener; of

(ii) waar, indien bepaal by reël soos in artikel 11 beoog, na behoorlike klaring en lossing daarvan-

(aa) indien geklaar vir binnelandse verbruik, by ontvangs daarvan deur die invoerder of die invoerder se agent 25

(bb) indien geklaar vir opslag in 'n doeane- en aksynspakhuis, by ontvangs deur die gelisensieerde van sodanige pakhuis; 30

(ee) by ontvangs deur die persoon wat die goedere vir verwydering onder waarborg ingevolge artikel 18 geklaar het; of

(dd) by ontvangs deur enige persoon in omstandighede en ooreenkomstig prosedures wat by reël voorgeskryf word; of 35

(iii) waar enige goedere nie mee gehandel word soos in subparagrafe (i) en (ii), beoog nie, by aflewering aan die Staatspakhuis of enige ander plek met die toestemming van die Kommissaris soos in artikel II beoog; 40

(b) die loods-

(i) by ontvangs van die goedere deur-

(aa) 'n deurvoerloodsbediener; of

(bb) 'n ontgroeperingsbediener; of

(ii) waar, indien bepaal by reël soos in artikel 11 beoog, na behoorlike klaring en lossing daarvan- 45

(00) indien geklaar vir binnelandse verbruik, by ontvangs van die goedere deur die invoerder of die invoerder se agent;

(bb) indien geklaar vir opslag in 'n doeane- en aksynspakhuis, by ontvangs deur die gelisensieerde van sodanige pakhuis; 50

(ee) by ontvangs deur die persoon wat die goedere onder waarborg ingevolge artikel 18 geklaar het; of

(dd) by ontvangs deur enige ander persoon in omstandighede en ooreenkomstig prosedures wat by reël voorgeskryf word; of 55

- (iii) where any goods have not been dealt with as contemplated in subparagraphs (i) and (ii), on delivery thereof to the State warehouse or any other place with the permission of the Commissioner as contemplated in section 11;
- (e) any other carrier- 5
- (i) upon receipt of the goods by any person contemplated in section 11; or
- (ii) where, if determined by rule as contemplated in section II, after due entry and release thereof- 10
- (an) if entered for home consumption, upon receipt thereof by the importer or the importer's agent;
- (bb) if entered for warehousing in a customs and excise warehouse, upon receipt by the licensee of such warehouse;
- (ee) upon receipt by the person who has entered the goods for removal in bond in terms of section 18; or 15
- (dd) upon receipt by any other person in circumstances and in accordance with procedures as may be prescribed by rule; or
- (iii) where any goods have not been dealt with as contemplated in SUBparagraphs (i) and (ii), on delivery thereof to the State warehouse or any other place with the permission of the Commissioner as contemplated in section 11;”; and 20
- (b) by the substitution in subsection (1) for paragraph (d) of the following paragraph: 25
- “(d) by the substitution for subsection (5A) of the following subsection:
- ‘(5A) (a) The container operator shall be liable for the duty on all containerised goods received as contemplated in subsection (5)(a)(ii), 30
- (b) The liability of the container operator for duty on such goods shall cease-
- (i) after due entry and release thereof-
- (aa) if entered for home consumption, upon receipt of the goods by the importer or the importer's agent; 35
- (bb) if entered for warehousing in a customs and excise warehouse, upon receipt by the licensee of such warehouse;
- (ee) upon receipt by the person who has entered the goods for removal in bond in terms of section 18; or 40
- (dd) upon receipt by any other person in circumstances and in accordance with procedures as may be prescribed by rule; or
- (ii) upon receipt by a container terminal operator or a container depot operator or any other person at any other place specified by rule, where the container operator removes any container in bond as contemplated in section 18(1)(d); or 45
- (iii) in respect of goods containerized in-
- (aa) L.C.L. containers; and 50
- (bb) any other containers, delivered to a container operator as contemplated in subsection 5(a)(ii) and specified in a list to be compiled by the container operator concerned, upon delivery thereof to a container depot operator; or 55
- (iv) where any goods have not been dealt with as contemplated in subparagraphs (i) to (iii), upon delivery thereof to the State warehouse or any other place with the permission of the Commissioner as contemplated in section 11;... 60

- (iii) waar enige goedere nie mee gehandel word soos in subparagrafe (i) en (ii), beoog nie, by aflewering aan die Staatspakhuis of enige ander plek met die toestemming van die Kommissaris soos in artikel 11 beoog;
- (c) enige ander karweier- 5
- (i) by ontvangs van die goedere deur enige persoon in artikel 11 beoog; of
- (ii) waar indien bepaal by reël soos in artikel II beoog na behoorlike klaring en lossing daarvan-
- (aa) indien geklaar vir binnelandse verbruik, by ontvangs daarvan deur die invoerder of die invoerder se agent; 10
- (1)1> indien geklaar vir opslag in 'n doeane- en aksynspakhuis, by ontvangs deur die gelisensieerde van sodanige pakhuis; 15
- (cc) by ontvangs deur die persoon wat die goedere vir verwydering onder waarborg ingevolge artikel 18 geklaar het; of
- (dd) by ontvangs deur enige ander persoon in omstandighede en ooreenkomstig prosedures wat by reël voorgeskryf word; of 20
- (iii) waar enige goedere nie mee gehandel word soos in subparagrafe (i) en (ii), beoog nie, by aflewering aan die Staatspakhuis of enige ander plek met die toestemming van die Kommissaris soos in artikel 11 beoog;' "; en 25
- (b) deur in subartikel (I) paragraaf (d) deur die volgende paragraaf te vervang:
- "(d) deur subartikel (SA) deur die volgende subartikel te vervang:
- '(SA) (a) Die houerbediener is aanspreeklik vir reg op aBe behouerde goedere ontvang soos in subartikel (5)(a)(ii) beoog.
- (b) Die aanspreeklikheid van die houerbediener vir reg op sodanige goedere verval-
- (i) na behoorlike klaring en lossing daarvan-
- (aa) indien geklaar vir binnelandse verbruik, by ontvangs van die goedere deur die invoerder of die invoerder se agent; 30
- (bb) indien geklaar vir opslag in 'n doeane- en aksynspakhuis, by ontvangs deur die gelisensieerde van sodanige pakhuis; 35
- (cc) by ontvangs deur die persoon wat die goedere vir vervoer onder waarborg ingevolge artikel 18 geklaar bet; of 40
- (dd) by ontvangs deur enige ander persoon in omstandighede en ooreenkomstig die prosedures wat by reël voorgeskryf word; of
- (ii) by ontvangs deur 'n houer-eindpuntbediener of 'n houerdepotbediener of enige ander persoon by enige ander plek by reël voorgeskryf waar die houerbediener enige houer onder waarborg vervoer soos in subartikel 18(1)(d) beoog; of 45
- (iii) ten opsigte van goedere behouer in-
- (aa) V.B. houters; en
- (bb) enige ander houters, wat aan 'n houerbediener afgelewer is soos in subartikel (5)(a)(ii) beoog en wat vermeld word in 'n Iys wat deur die betrokke houerbediener opgestel moet word, by aflewering daarvan aan 'n houerdepotbediener; of 50
- (iv) waar enige goedere nie mee gebandel word soos in subparagrafe (i) tot (iii) beoog nie, by aflewering daarvan aan die Staatspakhuis of enige ander plek met die toestemming van die Kommissaris soos in artikel 11 beoog.' ". 55
- 60

Amendment of section 70 of Act 20 of 2006

107. Section 70 of the Revenue Laws Amendment Act, 2006, is hereby amended by the renumbering of the existing section to section 70(1) and by the addition of the following subsection:

"(2) Subsection (1)(a) to (h) shall be deemed to have come into operation on 1 April 2006." 5

Amendment of section 77 of Act 20 of 2006

108. Section 77(d) of the Revenue Laws Amendment Act, 2006, is hereby repealed.

Amendment of section 89 of Act 20 of 2006

109. Section 89 of the Revenue Laws Amendment Act, 2006, is hereby amended by renumbering the current section to section 89(1) and by the insertion of the following subsection: 10

"(2) Subsection (1) is deemed to have come into operation on 1 April 2006.".

Repeal of section 96 of Act 20 of 2006

110, (1) Section 96 of the Revenue Laws Amendment Act, 2006, is hereby repealed. 15
(2) Subsection (1) shall be deemed to have come into operation on 7 February 2007.

Amendment of section 106 of Act 20 of 2006

111. Section 106 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for subsection (2) of the following subsection:

" (2) (a) Subsection (1) and Schedules 1 (other than Part VII to Schedule 1) and 2 are deemed to have come into operation on 1 April 2006; and 20
(b) Part VII to Schedule 1 is deemed to have come into operation on 14 May 2004.".

Amendment of Schedule 1 of Act 20 of 2006

112. Schedule 1 of the Revenue Laws Amendment Act, 2006, is hereby amended- 25
(a) by the substitution for paragraph (e) of the definition of "Championship site" of the following paragraph:

"(c) any official *Championship* related parking areas, *Championship* press and television centres (including the International Broadcast Centres), VIP areas and any other areas or facilities as may be agreed in good faith by *FIFA* and the *Commissioner* utilised for official events;" 30

(b) by the substitution for paragraph 8 of the following paragraph:

"8. Notwithstanding anything to the contrary contained in the *Value-Added Tax Act, 1991*, an entity contemplated in paragraph 6 must levy *value-added tax* at the zero rate on all supplies by that entity of goods or services as contemplated in paragraph 7(1)(a) or (b) at a *Championship site*." 35

Amendment of Schedule 2 of Act 20 of 2006

113. Schedule 2 of the Revenue Laws Amendment Act, 2006, is hereby amended by the substitution for the heading of the following heading: 40

"Schedule 2

[Amendments to Schedule No.4 to the Customs and Excise Act, 1964]

(Section 106)

Part 1A of Schedule No.4 to the Customs and Excise Act, 1964 45

Rebate of duty in respect of goods imported for the 2010 FIFA World Cup South Africa:"

Wysiging van artikel 70 van Wet 20 van 2006

107. Artikel 70 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die bestaande artikel tot artikel 70(1) te hernoem en die volgende subartikel by te voeg:

"(2) Subartikel (1)(a) tot (h) word geag op 1 April 2006 in werking te getree het." 5

Wysiging van artikel 77 van Wet 20 van 2006

108. Artikel *ned)* van die Wysigingswet op Inkomstewette, 2006, word hierby herroep.

Wysiging van artikel 89 van Wet 20 van 2006

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109. Artikel 89 van die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die huidige artikel tot artikel 89(1) te hernoem en deur die volgende subartikel in te voeg:

"(2) Subartikel (1) word geag op 1 April 2006 in werking te getree het."

Herroeping van artikel 96 van Wet 20 van 2006

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110. (1) Artikel 96 van die Wysigingswet op Inkomstewette, 2006, word hierby herroep.

(2) Subartikel (1) word geag op 7 Februarie 2007 in werking te getree het.

Wysiging van artikel 106 van Wet 20 van 2006

111. Artikel 106 van die Wysigingswet op Inkomste, 2006, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2)(a) Subartikel (1) en Bylae 1 (behalwe Deel VII by Bylae I) en 2 word geag op 1 April 2006 in werking te getree het; en
(b) Deel VII van Bylae 1 word geag op 14 Mei 2004 in werking te getree het."

Wysiging van Bylae 1 by Wet 20 van 2006

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112. Bylae 1 by die Wysigingswet op Inkomstewette, 2006, word hierby gewysig-
(a) deur paragraaf (c) van die woordskrywing van "Kampioenskapperseel" deur die volgende paragraaf te vervang:

"(c) enige amptelike *Kampioenskap* verwante parkeerareas, *Kampioenskap* media en televisiesentrums (waarby ingesluit die 30
Internationale Uitsaaisentrums), BBP areas en enige ander areas of
fasiliteite as wat in goeie trou tussen *FIFA* en die Kommissaris
ooreengekom mag word vir gebruik vir amptelike geleenthede;"

(b) deur paragraaf 8 in die Engelse teks deur die volgende paragraaf te vervang:

"8. Notwithstanding anything to the contrary contained in the 35
Value-Added Tax Act, 1991, an entity contemplated in paragraph
6 must levy *value-added tax* at the zero rate on all supplies by that
entity of goods or services as contemplated in paragraph 7(I)(a)
or (b) at a *Championship site*."

Wysiging van Bylae 2 by Wet 20 van 2006

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113. Bylae 2 by die Wysigingswet op Inkomstewette, 2006, word hierby gewysig deur die opskrif deur die volgende opskrif te vervang:

"Bylae 2
[Wysigings tot Bylae 4 by die Doeane- en Aksynswet, 1964]
(Artikel 106)
Deel A van Bylae No. 4 by die Doeane- en Aksynswet, 1964 45

Korting van reg [ingevolge] ten opsigte van goedere ingevoer vir die
2010-FIFA-Wereldbeker Suid-Afrika:"

Amendment of section 31 of Act 29 of 2005

114, (1) Section 31 of the Diamonds Amendment Act, 2005 (Act No. 29 of 2005), is hereby amended as set out in paragraph 3 of Appendix III to this Act.

(2) Subsection (1) shall be deemed to have come into operation on 1 July 2007.

Amendment of section 63 of Act 56 of 1986, as amended by section 10 of Act 10 of 1991 5

115. (1) Section 63 of the Diamonds Act, 1986 (Act No. 56 of 1986), and section 31 of the Diamonds Amendment Act, 2005 (Act No. 29 of 2005), are hereby amended as set out in Appendix III to this Act.

(2) Subsection (1) shall be deemed to have come into operation on 1 July 2007. 10

Short Title and commencement

116. (1) This Act is called the Taxation Laws Amendment Act, 2007.

(2) Except in so far as is otherwise provided for in this Act or the context indicates otherwise, the amendments effected to the Income Tax Act, 1962, by this Act shall for the purposes of assessments in respect of normal tax under the Income Tax Act, 1962, be 15 deemed to have come into operation as from the commencement of years of assessment ending on or after 1 January 2008.

Wysiging van artikel 31 van Wet 29 van 2005

114. (1) Artikel 31 van die Wysigingswet op Diamante, 2005 (Wet No. 29 van 2005), word hierby gewysig soos uiteengesit in paragraaf 3 van Aanhangsel III tot hierdie Wet.
(2) Subartikel (1) word geag op 1 Julie 2007 in werking te getree her.

Wysiging van artikel 63 van Wet 56 van 1986, soos gewysig deur artikel 10 van Wet 10 van 1991 5

115. (1) Artikel 63 van die Wet op Diamante, 1986 (Wet No. 56 van 1986), en artikel 31 van die Wysigingswet op Diamante, 2005 (Wet No. 29 van 2005), word hierby gewysig soos uiteengesit in Aanhangsel III tot hierdie Wet.
(2) Subartikel (1) word geag op 1 Julie 2007 in werking te getree het. 10

Kort titel en inwerkingtreëding

116. (1) Hierdie Wet heet die Wysigingswet op Belastingwette, 2007.
(2) Tensy hierdie Wet anders bepaal of dit uit die samehang anders blyk, word die wysigings aan die Inkomstebelastingwet, 1962, by hierdie Wet aangebring vir die doeleindes van aanslae ten opsigte van normale belasting kragtens die Inkomstebelastingwet, 1962, geag in werking te getree het met ingang vanaf jare van aanslag wat op of na 1 Januarie 2008 eindig, 15

Appendix I

(Section (2))

PART I

RATES OF NORMAL TAX AND REBATES

1. The rate of tax referred to in section 2(1) of this Act to be levied in respect of the taxable income (excluding any retirement fund lump sum benefit) of any natural person or special trust (other than a public benefit organisation or recreational club referred to in paragraph 5) in respect of any year of assessment ending on 29 February 2008 is set out in the table below:

Taxable Income	Rate of Tax	
Not exceeding R12 500	18 per cent of the taxable income	10
Exceeding R12 500 but not exceeding R180 000	R20 250 plus 25 per cent of the amount by which the taxable income exceeds R12 500	IS
Exceeding R180 000 but not exceeding R250 000	R37 125 plus 30 per cent of the amount by which the taxable income exceeds R180 000	
Exceeding R250 000 but not exceeding R350 000	R58 125 plus 35 per cent of the amount by which the taxable income exceeds R250 000	20
Exceeding R350 000 but not exceeding R450 000	R93 125 plus 38 per cent of the amount by which the taxable income exceeds R350 000	
Exceeds R450 000	R131 125 plus 40 per cent of the amount by which the taxable income exceeds R450 000	25

2.

Description	Reference to the Income Tax Act, 1962	Amount	
Primary rebate	Section 6(2)(a)	R7740	30
Secondary rebate	Section 6(2)(b)	R4680	

3. The rate of tax referred to in section 2(1) of this Act to be levied in respect of the taxable income of any trust (other than a special trust or a public benefit organisation or recreational club referred to in paragraph 5) in respect of any year of assessment ending on 29 February 2008, is 40 per cent. 35
4. The rate of tax referred to in section 2(1) of this Act, in respect of the taxable income of companies (other than a public benefit organisation or recreational club referred to in paragraph 5 or a small business corporation referred to in paragraph 6) in respect of any year of assessment ending during the twelve month period ending on 31 March 2008, is, subject to the provisions of paragraph 8, as follows:- 40
- (a) 29 per cent of the taxable income of any company (excluding taxable income referred to in subparagraphs (b), (c), (d), (e), (f) and (g) or, in the case of such a company which mines for gold on any gold mine and which is in terms of an option exercised by it exempt from the payment of secondary tax on companies. 37 per cent; 45
- (b) in respect of the taxable income of any employment company as defined in section 12E of the Income Tax Act, 1962, 34 per cent;
- (c) on each rand of the taxable income derived by any company from mining for gold on any gold mine with the exclusion of so much of the taxable income as the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section I of the Income 50

Aanhangsel I

(Artikel (2))

DEEL I

SKALE VAN NORMALE BELASTING EN KORTINGS

1. Die skale van normale belasting bedoel in artikel 2(1) van hierdie Wet wat gehief 5
word ten opsigte van die belasbare inkomste (uitgesluit enige uitteefonds
enkelbedragvoordeel) van enige natuurlike persoon of spesiale trust (uitgesluit 'n
openbare weldaadsorganisasie of ontspanningsklub soos bedoel in paragraaf 5) ten
opsigte van enige jaar van aanslag wat op 29 Februarie 2008 eindig word in die 10
tabel hieronder uiteengesit:

Belasbare inkomste	Skaal van Belasting	
Nie R112 500 te bowe gaan nie	18 persent van die belasbare inkomste	
R112500 te bowe gaan maar nie R180000	R20 250 plus 25 persent van die bedrag waarmee die belasbare inkomste R112 500 oorskry	15
R180000 te bowe gaan maar me R250000	R37 125 plus 30 persent van die bedrag waarmee die belasbare inkomste R180 000 oorskry	20
R250 000 te bowe gaan maar nie R350000	R58 125 plus 35 persent van die bedrag waarmee die belasbare inkomste R250 000 oorskry	25
R350000 te bowe gaan maar me R450000	R93 125 plus 38 persent van die bedrag waarmee die belasbare inkomste R350 000 oorskry	25
R450000 te bowe gaan	R131 125 plus 40 persent van die bedrag waarmee die belasbare inkomste R450000 oorskry	

2.

Beskrywing	Verwysing in Inkomste-belastingwet, 1962	Bedrag	
Primere korting	Artikel 6(2)(a)	R7740	30
Sekondere korting	Artike16(2)(b)	R4680	35

3. Die skale van normale belasting bedoel in artikel 2(1) van hierdie Wet wat gehief 40
word ten opsigte van die belasbare inkomste van enige trust (behalwe 'n spesiale
trust of 'n openbare weldaadsorganisaie of 'n ontspanningsklub soos bedoel in
paragraaf 5) ten opsigte van enige jaar van aanslag wat eindig op 29 Februarie 2008,
is 40 persent.
4. Die skale van normale belasting bedoel in artikel 2(1) van hierdie Wet ten opsigte 45
van die belasbare inkomste van maatskappye (behalwe 'n openbare
weldaadsorganisasie of ontspanningsklub soos hedoel in paragraaf 5 of 'n
kleinsakekorporasie soos bedoel in paragraaf 6) ten opsigte van enige jaar van
aanslag wat eindig gedurende die twaalf maande tydperk wat eindig op 31 Maart 45
2008, is, behoudens die bepalinge van paragraaf 8, soos volg:-
- (a) 29 persent van die belasbare inkomste van enige maatskappy (met
uitsondering van die belasbare inkomste in subparagrafe (h), (c), (d), (e), (f),
en (g) of, in die geval van so 'n maatskappy wat vir gaud myn op enige
goudmyn en wat ingevolge 'n keuse deur dit uitgeoefen van die betaling van 50
sekondere belasting op maatskappye vrygestel is, 37 persent;
 - (b) ten opsigte van die belasbare inkomste van enige werknemersmaatskappy
soos in artikel12E van die Inkomstebelastingwet, 1962, omskryf, 34 persent;
 - (c) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn 55
van gaud op enige goudmyn verkry word met uitsluiting van soveel van die
belasbare inkomste as wat volgens vasstelling van die Kommissaris van die 55
Suid-Afrikaanse Inkomstediens toe te skryf is aan die insluiting by brute
inkomste van enige bedrag bedoel in paragraaf (j) van die omskrywing van

Tax Act, 1962, but after the set-off of any assessed loss in terms of section 20(1) of that Act, a percentage determined in accordance with the formula:

$$y = \frac{35 - 175}{x}$$

or, in the case of a company which is in terms of an option exercised by it exempt from the payment of secondary tax on companies, in accordance with the formula:

$$y = \frac{45 - 225}{x}$$

in which formulae y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion, but before the set-off of any assessed loss or deduction which is not attributable to the mining for gold from the said mine) bears to the income so derived (with the said exclusion);

- (d) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is, or has been, mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section I of the Income Tax Act, 1962, a rate equal to the average rate of normal tax or 29 cents, whichever is higher: Provided that for the purposes of this subparagraph, the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from mining for gold on any gold mine for the period from which that company commenced its gold mining operations on that gold mine to the end of the period assessed, by the number of Rands contained in the said aggregate taxable income;
- (e) on each rand of the taxable income derived by any company from carrying on long-term insurance business in respect of –
 - (i) its individual policyholder fund, 30 per cent; and
 - (ii) its company policyholder fund and corporate fund, 29 per cent;
- (f) on each rand of the taxable income (excluding taxable income referred to in paragraphs (b), (c), (d), (e), and (g)) derived by a company which is not a resident, 34 per cent;
- (g) on each rand of the taxable income derived by a qualifying company as contemplated in section 37H of the Income Tax Act, 1962, subject to the provisions of the said section, zero per cent;

Provided that the tax determined in accordance with any of SUBparagraphs(a) to (g), inclusive, shall be payable in addition to the tax determined in accordance with any other of the said paragraphs.

5. The rate of tax referred to in section 2(I) of this Act to be levied in respect of each rand of taxable income of any public benefit organisation that has been approved by the Commissioner in terms of section 30(3) of the Income Tax Act, 1962 (Act No. 58 of 1962) or any recreational club that has been approved by the Commissioner in terms of section 30A(2) of that Act is, in the case of an organisation or club that is a company, in respect of any year of assessment ending during the twelve month period ending on 31 March 2008 or, in the case of an organisation or club that constitutes a person other than a company, in respect of any year of assessment ending during the twelve month period ending on 29 February 2008, 29 cents.

"bruto inkomste" in artikel I van die Inkomstebelastingwet, 1962, maar na die verrekening van enige vasgestelde verlies ingevolge artikel 20(1) van daardie Wet, ,n persentasie vasgestel ooreenkomstig die formule:

$$y = 35 - \frac{175}{x} \quad 5$$

of, in die geval van 'n maatskappy wat ingevolge 'n keuse deur die maatskappy uitgeoefen van die betaling van sekondere belasting op maatskappye vrygestel is, ooreenkomstig die formule:

$$y = 45 - \frac{225}{x} \quad 10$$

in welke formule y bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkree belabare inkomste (met genoemde uitsluiting, maar voor die verrekening van enige vasgestelde verlies of aftrekking wat nie aan die myn van goud uit bedoelde goudmyn toeskryfbaar is nie) staan tot die aldus verkree inkomste (met genoemde uitsluiting); 15

- (d) op elke rand van die belabare inkomste van 'n maatskappy waarvan die enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belabare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Kommissaris van die Suid-Afrikaanse Inkomstediens toe te skryf is aan die insluiting by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel I van die Inkomstebelastingwet, 1962, 'n skaal gelykstaande aan die gemiddelde skaal van normale belasting of 29 sent, welke ook al die hoogste is: Met dien verstande dat by die toepassing van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkomstig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belabare inkomste uit die myn van goud op enige goudmyn vir die tydperk van wanneer daardie maatskappy sy goudmynbedrywighede op daardie goudmyn begin het tot die einde van die tydperk waarvoor aangeslaan is, te deel deur die getal Rande wat genoemde totale belabare inkomste bevat; 20
- (e) op elke rand van die belabare inkomste wat deur 'n maatskappy uit die bedryf van langtennynversekeringsbesigheid verkry word ten opsigte van- 30
- (i) sy individuele polishouerfonds, 30 persent; en
 - (ii) sy maatskappypolishouerfonds en korporatiewe fonds, 29 persent;
- (f) op elke rand van die belabare inkomste (uitgesonderd belabare inkomste bedoel in subparagraawe (b), (c), (d), (e), en (g) wat verkry word deur'n maatskappy wat nie 'n inwoner is nie, 34 persent; 40
- (g) op elke rand van die belabare inkomste wat deur 'n kwalifiserende maatskappy, soos beoog in artikel 37H van die Inkomstebelastingwet, 1962, verkry word, behoudens die bepalings van gemelde artikel, nul persent: 45
- Met dien verstande dat die belasting ooreenkomstig enige van subparagraawe (a) tot en met (g) vasgestel, benewens die belasting vasgestel ooreenkomstig enige ander van genoemde subparagraawe betaalbaar is.

5. Die skale van normale belasting soos bedoel in artikel 2(1) van hierdie Wet wat gehel word ten opsigte van elke rand van die belabare inkomste van enige openbare weldaadsorganisasie wat deur die Kommissaris ingevolge artikel 30(3) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962) of enige ontspanningsklub wat deur die Kommissaris ingevolge artikel 30A(2) van daardie Wet goedgekeur is, in die geval van 'n organisasie of klub wat 'n maatskappy is, ten opsigte van enige jaar van aanslag wat eindig gedurende die twaalf maande tydperk wat eindig op 31 Maart 2008 of, in die geval van 'n organisasie of klub wat'n persoon anders as 'n maatskappy is, ten opsigte van enige jaar van aanslag wat eindig gedurende die twaalf maande tydperk wat eindig op 29 Februarie 2008, 29 sent. 55

6. The rate of tax referred to in section 2(1) of this Act in respect of the taxable income of any company which qualifies as a small business corporation as defined in section 12E of the Income Tax Act, 1962, in respect of any year of assessment ending during the twelve month period ending on 31 March 2008 is, subject to the provisions of paragraph 9, set out in the table below:- 5

Taxable Income	Rate of Tax	
Not exceeding R43 000	0 per cent of taxable income	
Exceeding R43 000 but not exceeding R300 000	10 per cent of the amount by which the taxable income exceeds R43 000	10
Exceeding R300 000	R25 700 plus 29 per cent of the amount by which the taxable income exceeds R300 000	

7. The rate of tax referred to in section 2(1) of this Act to be levied on a person in respect of the taxable income comprising of any retirement fund lump sum benefit in respect of any year of assessment ending on 29 February 2008 is set out in the table below: 15

Taxable Amount	Rate of Tax	
Not exceeding R300 000	18 per cent of the taxable income	20
Exceeding R300 000 but not exceeding R600 000	R54 000 plus 27 per cent of the taxable income exceeding R300 000	
Exceeding R600 000	R135 000 plus 36 per cent of the taxable income exceeding R600 000	25

8. The rates set forth in paragraphs 1, 3, 4, 5, 6 and 7 shall be the rates required to be fixed by Parliament in accordance with the provisions of section 5(2) of the Income Tax, 1962.
9. For the purposes of this Appendix, income derived from mining for gold shall include any income derived from silver, osmiridiurn, uranium, pyrites or other minerals which may be won in the course of mining for gold, and any other income which results directly from mining for gold. 30

6. Die skale van belasting soos bedoel in artikel 2(1) van hierdie Wet ten opsigte van die belasbare inkomste van enige maatskappy wat as 'n kleinsakekorporasie soos in artikel 12E van die Inkomstebelastingwet, 1962, omskryf kwalifiseer, ten opsigte van enige jaar van aanslag wat eindig gedurende die twaalf maande tydperk wat eindig op 31 Maart 2008 word, behoudens die bepalings van paragraaf 9, in die tabel hieronder uiteengesit:- 5

Belasbare inkomste	Skaal van Belasting	
Nie R43 000 te bowe gaan nie	0 persent van die belasbare inkomste	
R43 000 te bowe gaan maar nie R300 000 nie	10 persent van die bedrag waarmee die belasbare inkomste R43 000 oorskry	10
R300 000 te bowe gaan	R25 700 plus 29 persent van die bedrag waarmee belasbare inkomste R300 000 oorskry	15

7. Die skale van normale belasting soos bedoel in artikel 2(1) van hierdie Wet wat gehef word op 'n persoon ten opsigte van belasbare inkomste bestaande uit enige uitreefonds enkelbedragvoordeel ten opsigte van enige jaar van aanslag wat eindig op 29 Februarie 2008, word in die tabel hieronder uiteengesit:

Belasbare bedrag	Skaal van belasting	
Nie R300 000 oorskry nie	18 persent van die belasbare bedrag	20
R300 000 te bowe gaan maar nie R600 000 nie	R54 000 plus 27 persent van die belasbare inkomste wat R300 000 oorskry	25
R600 000 te bowe gaan	R135 000 plus 36 persent van die belasbare inkomste wat R600 000 oorskry	

8. Die skale uiteengesit in paragrawe 1, 3, 4, 5, 6 en 7 is die skale wat deur die Parlement ooreenkomstig die bepalings van artikel 5(2) van die Inkomstebelastingwet, 1962, vasgestel moet word. 30
9. Vir doeleindes van hierdie Aanhangsel, sluit inkomste uit die myn van goud verkry inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat regstreeks uit die myn van goud voortvloei.

PART II

INCOME TAX MONETARY THRESHOLDS SUBJECT TO PERIODIC
LEGISLATIVE CHANGE

10. General savings thresholds

Description <i>(The contents of this column are solely for convenience and shall be of no force or effect)</i>	Reference to the Income Tax Act, 1962	Monetary amount	
Broad-based employee share schemes: Employees can receive tax-exempt shares if the shares are part of a broad-based employee share plan. Companies can also deduct shares issued under the plan.			5 10 15
Maximum exemption for shares received by employees.	The definition of "qualifying equity share" in section 8B(3).	R9000.	20
Maximum deduction for shares issued by the employer.	The proviso to section 11(1A).	R3000.	25
Exemption for interest and certain dividends:			
Exemption for domestic interest and otherwise taxable domestic collective scheme dividends in respect of persons younger than 65 years.	Section 10(1)(i)(xv)(bb)(B).	R18000.	30
Exemption for passive portfolio savings in respect of persons of 65 years or older.	Section 10(1)(i)(xv)(bb)(A).	R26000.	35
Maximum application of the above exemption for foreign interest and otherwise taxable dividends.	Section 10(1)(i)(xv)(aa).	R5 000.	
Annual donations tax exemption:			
Exemption for donations made by entities .	Section 56(2)(a) and the proviso thereto.	R10 000.	40
Exemption for donations made by individuals.	Section 56(2)(b).	R100 000.	
Capital gains exclusions:			45
Annual exclusion for individuals and special trusts.	Paragraph 5(1) of the Eighth Schedule.	R15 000.	
Exclusion for the disposal of a primary residence.	Paragraph 45(1) of the 8th Schedule.	R1 500 000.	50
Maximum market value of all assets allowed to fall within the small business definition on disposal when over 55.	Definition of "small business" in paragraph 57(1) of the 8th Schedule.	R5 million.	55

DEELII

INKOMSTEBELASTING GELDELIKE DREMPELS ONDERHEWIG AAN
GEREELDE WETGEWENDE VERANDERING

10. Algemene besparingsdrempels

Beskrywing (Die inhoud van hierdie kolom is slegs hedeel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	5 10
Uitgebreide werknemersaandeleplanne: Werknemers kan aandele ontvang wat van belasting vrygestel is indien die aandele deel vorm van 'n uitgebreide werknemersaandeleplan. Maatskappye kan aandele uitgereik ingevolge die plan aftrek.			15
Maksimum vrystelling vir aandele ontvang deur werknemers.	Die omskrywing van "kwalifiserende ekwiteitsaandeel" in artikel 8B(3).	R9 ODD.	20
Maksimum aftrekking vir aandele uitgereik deur werkgever.	Die voorbehoudsbepaling tot artikel 11 (IA).	R3000.	25
Vrystelling vir rente en sekere dividende:			
Vrystelling vir plaaslike rente en andersins belasbare plaaslike effektetrust dividende ten opsigte van persone jonger as 65 jaar.	Artikel 10(1)(i)(xv)(bb)(B).	R18000.	30
Vrystelling vir passiewe portefeulje besparing ten opsigte van persone 65 jaar en ouer.	Artikel 10(1)(i)(xv)(bb)(A).	R26 ODD.	
Maksimum toepassing van bogernelde vrystelling vir buitelandse rente en andersins belasbare dividende.	Artikel 10(1)(i)(xv)(aa).	R3000.	35
Jaarlikse skenkingsbelasting vrystelling:			40
Vrystelling vir skenkings gemaak deur entiteite.	Artikel 56(2)(a) en die voorbehoudsbepaling daartoe.	R10 ODD.	
Vrystelling vir skenkings gemaak deur individue,	Artikel 56(2)(b).	R100 ODD.	45
Kapitale wins uitsluitings:			
Jaarlikse uitsluiting vir individue en spesiale trusts.	Paragraaf 5(1) van die Agtste Bylae.	R15 ODD.	
Uitsluiting vir die beskikking van 'n primere woning.	Paragraaf 45(1) van die Agtste Bylae.	R1 500 ODD.	50
Maksimum markwaarde van alle bates wat toegelaat word om binne die omskrywing van klein besigheid te val by beskikking waar persoon ouer as 55 jaar is.	Omskrywing van "klein besigheid" in paragraaf 57(1) van die Agtste Bylae.	R5 miljoen.	55

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Exclusion amount on disposal of small business when over 55.	Paragraph 57(3) of the 8th Schedule.	R750000.	5
Exclusion on death.	Paragraph 5(2) of the 8th Schedule.	R120000.	10

11. Retirement savings thresholds

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Deductible retirement fund contributions: Pension fund and retirement annuity fund members may deduct their contributions subject to certain percentage or monetary ceilings (the latter of which is provided below).			15 20 25
Pension fund monetary ceiling for contributions.	The proviso to section 11(k)(i).	R1750.	
Pension fund monetary ceiling for arrear contributions,	Paragraph (aa) of the proviso to section 11(k)(ii).	RI 800.	30
Retirement annuity fund monetary ceiling for contributions (if also a member of a pension fund).	Section 11(n)(aa)(B).	R3500.	35
Retirement annuity fund monetary ceiling for contributions (if not a member of a pension fund).	Section 11(n)(aa)(C).	R1750.	
Retirement annuity fund monetary ceiling for arrear contributions.	Section 11(n)(bb).	RI800.	40
Permissible lump sum withdrawals upon retirement: Pension fund and retirement annuity fund members may withdraw lump sums upon retirement.			45
Pension fund monetary amount for permissible lump sum withdrawals.	Paragraph (ii)(dd) of the proviso to paragraph (c) of the definition of "pension fund" in section 1.	R50000.	50
Retirement annuity fund monetary amount for permissible lump sum withdrawals.	Paragraph (b)(ii) of the proviso to the definition of "retirement annuity fund" in section 1.	R50000.	55
Exempt lump sum portion: Certain lump sums are partly tax free based on a formula within the Second Schedule. This formula contains input amounts as provided below.			60

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefel is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	5
Uitsluitingbedrag met beskikking van klein bcsigheid waar persoon ouer as 55 jaar is.	Paragraaf 57(3) van die Agtste Bylae.	R750 000.	
Uitsluiting by dood.	Paragraaf 5(2) van die Agtste Bylae.	R120 000.	10

11. Aftredebesparingsdrempels

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefel is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
			15
Aftrekbare uitteefondsbydraes: Pensioenfonds en uitteefonds-annuïteitsfonds lede mag hulle bydraes aftrek onderhewig aan skkre persentasie of geldelike plafonne (laasgenoemde word hieronder vermeld).			20
Pensioenfonds geldelike plafon vir bydraes.	Die voorbehoudsbepaling tot artikel 11(k)(i).	R1750.	25
Pensioenfonds geldelike plafon vir agterstallige bydraes.	Paragraaf (aa) van die voorbehoudsbepaling tot artikel 11(k)(ii).	RI 800.	30
Uittredingannuïteitsfonds geldelike plafon vir bydraes (indien ook 'n lid van 'n pensioenfonds).	Artike111(n)(aa)(B).	R3500.	
Uittredingannuïteitsfonds geldelike plafon vir bydraes (indien Die 'n lid van 'n pensioenfonds).	Artike111(n)(aa)(C).	R1750.	35
Uittredingannuïteitsfonds geldelike plafon vir agterstallige bydraes.	Artikel 11(II)(bb).	R1800.	
Toelaatbare enkelbedrag onttrekkings by aftrede: Pensioenfonds en uitteefonds-annuïteitsfonds lede mag enkelbedragvoordele onttrek by aftrede.			40
			45
Pensioenfonds bedrag vir toelaatbare enkelbedrag onttrekkings.	Paragraaf (ii)(dd) van die voorbehoudsbepaling tot paragraaf (c) van die omskrywing van "pensioenfonds" in artikel 1.	R50000.	50
Uittredingannuïteitsfonds bedrag vir toelaatbare enkelbedrag onttrekkings.	Paragraaf (b)(ii) van die voorbehoudsbepaling tot die omskrywing van "uitefonds-annuïteitsfonds" in artikel 1.	R50000.	55
Vrygestelde gedeelte van enkelbedrag: Sekere enkelbedrae is gedeeltelik belastingvry gebaseer op die formule in die Tweede Bylae. Hierdie formule bevat insetbedrae soos hieronder vermeld.			60

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	5
Tax free portion of lump sum benefit	Paragraph (b) of the definition of "formula B" in paragraph I of the Second Schedule.	R300000.	10

12. Deductible Business Expenses for Individuals

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	15
Car allowance: Individuals receive an annual vehicle allowance to defray business travel expenses, including deemed depreciation on the vehicle.			20
Ceiling on vehicle cost.	Section 8(l)(b)(iiiA)(bb)(A).	R360000.	
Ceiling on debt relating to vehicle cost.	Section 8(l)(b)(iiiA)(bb)(B).	R360000.	25

13. Employment related fringe benefits

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	30
Exempt Scholarships and bursaries: Employers can provide exempt scholarships and bursaries to employees and their relatives. subject to annual monetary ceilings.			35
Annual ceiling for employees.	Paragraph (ii)(aa) of the proviso to section 10(1)(q).	R60000.	40
Annual ceiling for employee relatives.	Paragraph (ii)(bb) of the proviso to section 10(1)(q).	R3000.	
Exempt termination benefits: Employees of age 55 or older receive exemption for employment termination-related payments subject to a monetary ceiling.	Section 10(1)(x).	R30000.	45
Medical scheme contributions: Medical scheme contributions are tax deductible if the individual pays (and tax-free if the employer pays) subject to monthly ceilings.			50
Monthly ceiling for schemes with one beneficiary.	Section 18(2)(c)(i)(aa) & paragraph 2A(1)(a) of the 7th Schedule.	R530.	55

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van gem bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	5
Belastingvrye gedeelte van enkelbedrag voordeel	Paragraaf (b) van die omskrywing van "formule B" in paragraaf 1 van die Tweede ByJae.	R300 000.	

12. Aftrekbare besigheidsonkoste vir individue

10

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	15
Voertuigtoelaag: Individue wat 'n jaarlikse motortoelaag ontvang om besigheidsreisoonkoste te bestry, ingesluit geagte waardevermindering op die voertuig.			20
Plafon vir voertuigkoste.	Artikel 8(1)(b)(iiiA)(bb)(A).	R360 000.	
Plafon op skuld wat met koste van voertuig verband hou,	Artikel 8(1)(b)(iiiA)(bb)(B).	R360 000.	25

13. Diensverwante byvoordele

Beskrywing (Die inhoud van hiertoe kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	30
Vrygestelde studiebeurse: Werknemers aan vrygestelde studiebeurse aan werknemers en hulle familieleden verskaf onderhewig aan jaarlikse geldelike plafon.			35
Jaarlikse plafon vir werknemers.	Paragraaf (ii)(aa) van die voorbehoudsbepaling tot artikel 10(1)(q).	R60 000.	40
Jaarlikse plafon vir werknemers se familieleden.	Paragraaf (ii)(bb) van die voorbehoudsbepaling tot artikel 10(1)(q).	R3000.	45
Vrygestelde diensbeëindigings voordele: Werknemers van 55 jaar of ouer ontvang vrystelling vir diensbeëindigings verwante bepalinge onderhewig aan 'n geldelike plafon.	Artikel 10(I)(x).	R30 000.	50
Mediese fonds bydraes: Mediese-fonds bydraes is aftrekbaar van belasting indien die individu betaal (en belastingvry indien die werkgewer betaal) onderhewig aan geldelike plafonne.			55
Maandelikse plafon vir skemas met een begunstigde.	Artikel 18(2)(c)(i)(aa) & paragraaf 12A(1)(a) van die 7 de Bylae.	R530.	60

Description (The contents of this column are solely for convenience and shall be of ¹¹⁰ force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Monthly ceiling for schemes with two beneficiaries.	Section 18(2)(c)(i)(bb) & paragraph 12A(1)(b) of the 7th Schedule.	R1060.	5
Additional monthly ceiling for each additional beneficiary.	Section 18(2)(c)(i)(cc) & paragraph 12A(1)(c) of the 7th Schedule.	R320.	10
Awards for bravery and long service: The deemed value of bravery and long service awards are reduced by the monetary amount indicated.	Paragraph (b) of the further proviso to paragraph 5(2) of the Seventh Schedule.	R5000.	15
Employee accommodation: Employee accommodation is taxed through a formula if the employer owns the accommodation, but no tax is payable if the employee earns less than the amount indicated.	Paragraph 9(3)(a)(ii) of the 7th Schedule.	R43000.	20
Exemption for de minimis employee loans: Employee loans below the amount indicated are not deemed to have any value as a fringe benefit.	Paragraph 11(4)(0) of the 7th Schedule.	R3000.	25
Employer deductions for employee housing: Expenses incurred for providing employee housing is limited to the ceiling indicated (per dwelling).	Paragraph (ii) of the proviso to section 11(t).	R6000.	30
Additional employer deductions for Learnerships: Employers receive additional deductions for learnerships depending on the circumstances.			35
For entering into a Jeamership with an existing employee, the additional deduction for the employer is limited to the monetary ceiling indicated.	Section 12H(2)(a)(i)(bb).	R20000.	40
For entering into a learnership with a new employee, the additional deduction for the employer is limited to monetary ceiling indicated.	Section 12H(2)(a)(ii)(bb).	R30000.	45
For completing a learnership (all employees), the additional deduction for the employer is limited to the monetary ceiling indicated.	Section 12H(2)(b)(ii).	R30000.	50
			55

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir gerief en is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
Maandelikse plafon vir skemas met twee begunstigdes.	Artikel 18(2)(c)(i)(bb) & paragraaf 12A(I)(b) van die 7 de Bylae.	R1060.	5
Addisionele maandelikse plafon vir elke addisionele begunstigde.	Artikel 18(2)(c)(i)(cc) & paragraaf 12A(I)(c) van die 7 de Bylae.	R320.	10
Toekennings vir dapperheid en lang diens: Die geagte waarde van dapperheid en lang dienstoekennings word verminder deur die geldelike bedrag aangedui.	Paragraaf (b) van die verdere voorbehoudsbepaling tot paragraaf 5(2) van die 7de Bylae.	R5000.	15
Werknemer akkommodasie: Werknemer akkommodasie word belas deur 'n spesifieke formule indien die werkgewer die akkommodasie besit, maar geen belasting is betaalbaar indien die werknemer minstel' verdien as die bedrag aangedui nie.	Paragraaf 9(3)(a)(ii) van die 7 de Bylae.	R43000.	20
Vrystelling vir <i>de minimis</i> werknemer lenings: Werknemerlenings onder die bedrag 500s aangedui word nie geag enige waarde as byvoordeel te hê nie,	Paragraaf II (4)(a) van die 7de Bylae.	R3000.	25
Werkgewer aftrekkings vir werknemer behuising: Uitgawes aangegaan ten einde 'n werknemer van huisvesting te voorsien is beperk tot die plafon soos aangedui (per woning).	Paragraaf (ii) van die voorbehoudsbepaling tot artikel II (t).	R6000.	30
Addisionele werkgewer aftrekkings ten opsigte van leerlingooreenkomste: Werkgewers ontvang addisionele aftrekkings vir leerlingooreenkomste afhangend van die omstandighede.			35
Vir die sluiting van 'n leerlingooreenkoms met 'n bestaande werknemer, word die addisionele aftrekking vir die werkgewer beperk tot die geldelike plafon soos aangedui.	Artikel 12H(2)(a)(i)(bb).	R20000.	40
Vir die sluiting van 'n leerlingooreenkoms met 'n nuwe werknemer word die addisionele aftrekking vir die werkgewer beperk tot die geldelike plafon soos aangedui.	Artikel 12H(2)(a)(ii)(bb).	R50 000.	45
Vir die voltooiing van 'n leerlingooreenkoms (alle werknemers), word die addisionele aftrekking vir die werkgewer beperk tot die geldelike plafon soos aangedui.	Artikel 12H(2)(b)(ii).	R30000.	50

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
For entering into a learnership with an existing disabled employee, the additional deduction for the employer is limited to the monetary ceiling indicated.	Section 12H(2A)(0)(i)(bb).	R40000.	5
For entering a learnership with a new disabled employee, the additional deduction for the employer is limited to the monetary ceiling indicated.	Section 12H(2A)(a)(ii)(bb).	R50000.	10
For completing a learnership with disabled employees, the additional deduction for the employer is limited to the monetary ceiling indicated.	Section 12H(2A)(b)(ii).	R50000.	15
			20

14. Depreciation

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Small-scale Intellectual property: Intellectual property with a cost below the amount indicated is immediately deductible.	Paragraph (00) of the proviso to section 11(gC).	R5000.	25
Urban Development Zone incentive: Developers undertaken projects in excess of the amount indicated must provide special notice to the Commissioner.	Section 13quot(10A).	R5 million.	30
			35

15. Miscellaneous

40

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Public benefit organizations:			45
PBO trading income is exempt up to the greater of 5 per cent of total receipts and accruals or the amount indicated.	Section 10(1)(cN)(ii)(dd)(ii).	R100000.	50
Donations to transfrontier parks will be deduction only if the donation exceeds the amount indicated.	Section 18A(1C)(a)(ii).	R1 million.	55

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geell bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
Vir die sluiting van 'n leerlingooreenkoms met 'n bestaande gestremde werknemer, word die addisionele aftrekking vir die werkgever beperk tot die geldelike plafon soos aangedui.	A11likeI12H(2A)(a)(i)(bb).	R40000.	5
Vir die sluiting van 'n leerlingooreenkoms met 'n gestremde werknemer, word die addisionele aftrekking vir die werkgever beperk tot die geldelike plafon soos aangedui.	ArtikeI12H(2A)(a)(ii)(bb).	R50000.	10
Vir die voltooiing van 'n leerlingooreenkoms met 'n gestremde werknemer, word die addisionele aftrekking vir die werkgever beperk tot die geldelike plafon soos aangedui.	Artikel 12H(2A)(b)(ii).	R50 000.	15
			20

14. Waardevermindering

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geell bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
Klein-skaal Intellektuele eiendom: Intellektuele eiendom met 'n koste onder die bedrag soos aangedui is onmiddellik aftrekbaar.	Paragraaf (aa) van die voorbehoudsepaling tot artikel 11(ge).	R5 000.	25 30
Stedelike ontwikkelingsone aansporing: Ontwikkelaars wat projekte onderneem groter as die bedrag aangedui moet spesiale kennis aan die Kommissaris gee.	Artikel 13quat(10A).	R5 miljoen.	35 40

15. Diverse

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
Openbare weldaadsorganisasies:			45
OWO handelsinkomste is vrygestel tot die grootste van 5 persent van die totale ontvangstes ell toevallings of die bedrag soos aangedui.	Artikel 10(1)(cN)(ii)(dd)(ii).	R100000.	50
Skenkings aan oorgrensbewaringsgebiede is slegs aftrekbaar indien skenking die bedrag soos aangedui oorskry.	Artikel 18A(1C)(a)(ii).	R1 miljoen.	55

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Recreational clubs: Club trading income is exempt up to the greater of 5 per cent of total receipts and accruals or the amount indicated.	Section 10(1)(cO)(iv)(bb),	R50 000.	5 10
Farming:			
Farmer deductions for employee housing: Expenses incurred by farmers for providing employee housing is limited to the ceiling indicated (per employee).	Paragraph 12(5) of the 1st Schedule.	R6 000.	15
Prepaid expenses: Prepaid expenses amounts up to the amount indicated will not be deferred until delivery of goods, services or benefits.	Paragraph (bb) of the proviso to section 23H(1).	R50 000.	20
Small Business Corporation: Corporates will qualify for tax incentives if gross income does not exceed the amount referred to.	Section 12E(4)(a)(i).	R14 million.	25

16. Administration

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
Interest for underpayments: If final taxable income exceeds the provisional tax paid, the taxpayer must pay interest in respect of provisional tax underpayments to the extent that taxpayer's taxable income exceeds the amount indicated.			30 35 40
In the case of companies.	Section 89quat(2)(a).	R20 000.	
In the case of persons other than companies.	Section 89quat(2)(b).	R50 000.	
Interest for overpayments: If the provisional tax paid exceeds final taxable income, the taxpayer is entitled to interest in respect of provisional tax overpayments .			45
Where the overpayment exceeds the amount indicated,	Section 89quat(4)(a).	R10 000.	50

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomslebelastingwet, 1962	Geldelike bedrag	
Ontspanningsklubs: Klub handelsinkomste is vrygestel tot die grootste van 5 persent van die totale ontvangstes en toevallings of die bedrag soos aangedui.	Artikel 10(l)(cO)(iv)(bb).	R50000.	5
Boerdery:			10
Boer se aftrekkings vir werknemer huisvesting: Uitgawes aangegaan deur boere vir die verskaffing van behuising aan werknemers is beperk tot die plafon soos aangedui (per werknemer).	Paragraaf 12(5) van die 1ste Bylae.	R6000,	15
Vooruitbetaalde uitgawes: Vooruitbetaalde uitgawes tot en met die bedrag soos aangedui sal nie uitgestel word tot en met die lewering van die goedere, dienste of voordele nie,	Paragraaf (bb) van die voorbehoudsbepaling tot artikel 23H(1).	R50000.	20
Kleinbesigheidskorporasies: Korporasies kwalifiseer vir belasting insentiewe indien die bruto inkomste nie die bedrag soos aangedui oorskry nie.	ArtikeII2E(4)(a)(i).	R14 miljoen.	30

16. Administrasie

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
Rente vir onderbetalings: Indien finale belasbare inkomste die voorlopige belasting betaal, oorskry, moet die belastingpligtige rente ten opsigte van voorlopige belasting onderbetalings betaal tot die mate wat die belastingpligtige se belasbare inkomste die bedrag soos aangedui oorskry.			35
			40
			45
In die geval van maatskappye.	Artikel 89quat(2)(a).	R20000.	
In die geval van persone anders as maatskappye.	Artikel 89quar(2)(b).	R50000.	
Rente op oorbetalings: Indien die voorlopige belasting betaal die finale belasbare inkomste oorskry, sal die belastingpligtige geregtig wees op rente ten opsigte van voorlopige belasting oorbetalings.			50
			55
Waar die oorbetaling die bedrag soos aangedui oorskry.	Artikel 89quat(4)(a).	R10 000.	

Description (The contents of this column are solely for convenience and shall be of no force or effect)	Reference to the Income Tax Act, 1962	Monetary amount	
In the case of a company where the taxpayer's taxable income exceeds the amount indicated.	Section 89quat(4)(b)(i).	R20000.	5
In the case of a person other than a company where the taxpayer's taxable income exceeds the amount indicated.	Section 89quat(4)(b)(ii).	R50000.	10
Investment income exemption from provisional tax: If a natural person solely generates income from interest, dividends and real estate rentals, the income amount indicated will be exempt from provisional tax.			15 20
In the case natural persons below age 65.	Paragraph 18(1)(c)(ii) of the 4th Schedule.	R10 000.	
In the case of natural persons of 65 and older.	Paragraph 18(1)(d)(i) of the 4th Schedule.	R80000.	25
S.I.T.E. threshold: Tax on employment income is subject to the S.I.T.E (the Standard Income Tax on Employees) system up to the amount indicated.	Items (a) and (b) of paragraph IIB(2) and items (a), (b)(ii) and (b)(iii) of paragraph IIB(3) of the 4th Schedule.	R60000.	30
Automatic appeal to the High Court: The full bench of the High Court will have automatic jurisdiction to appeals if the disputed amount exceeds the amount indicated.	Section 83(4B)(a).	R50 million.	35 40

Beskrywing (Die inhoud van hierdie kolom is slegs bedoel vir geriefen is van geen bindende effek nie)	Verwysing in Inkomstebelastingwet, 1962	Geldelike bedrag	
In die geval van 'n maatskappy waar die belastingpligtige se belasbare inkomste die bedrag soos aangedui oorskry.	Artike189quat(4)(b)(i).	R20000.	5
In die geval van 'n persoon anders as 'n maatskappy waar die belastingpligtige se belasbare inkomste die bedrag soos aangedui loorskry.	Artikel 89quat(4)(b)(ii).	R50000.	10
Beleggingsinkomste vrystelling van voorlopige belasting: Indien 'n natuurlike persoon alleenlik inkomste uit rente, dividende, of huurinkomste verkry sal die inkomste bedrag soos aangedui vrygestel word van voorlopige belasting.			15 20
In die geval van natuurlike persone onder die ouderdom van 65.	Paragraaf 18(1)(c)(ii) van die 4de Bylae.	R10 000.	25
In die geval van natuurlike peronse oor die ouderdom van 65.	Paragraaf 18(1)(d)(i) van die 4de Bylae.	R80000.	
S.I.B.W. drempel: Belasting op werknemerinkomste is onderhewig aan S.I.B.W (Standaard Inkomstebelasting op Werknemers) stelsels tot en met die bedrag soos aangedui.	Items (a) en (b) van paragraaf IIB(2) en items (a), (b)(ii) en (b)(iii) van paragraaf IIB(3) van die 4 de Bylae.	R60000.	36
Outomatiese appel na Hoë Hof: Die volbank van die Hoë Hof sal outomatiese jurisdiksie hê ten opsigte van appelle indien die bedrag in dispuut die bedrag soos aangedui oorskry.	Artike183(4B)(a).	R50 miljoen.	40

Appendix II

AMENDMENT OF SCHEDULE NO.1 TO THE CUSTOMS AND EXCISE ACT,
1964

(Section 76)

Tariff Item	Tariff Heading	Description	Rate of duty		
			Excise	Customs	
104.00		Prepared foodstuffs; beverages, spirits and vinegar; tobacco			5
104.01	19.01	Malt extract; food preparations of flour, groats, meal starch or malt extract, not containing cocoa or containing less than 40 per cent by mass of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 04.01 to 04.04, not containing cocoa or containing less than 5 per cent by mass of cocoa calculated on a totally defatted basis not elsewhere specified or included:			10
					15
					20
.10		Traditional African beer powder as defined in Additional Note I to Chapter 19	34.7 c/kg	34.7 c/kg	25
104.10	22.03	Beer made from malt			
.10		Traditional African beer as defined in Additional Note 1 to Chapter 22	7.82 ell	7.82 ell	
.20		Other	3 961.25 ell of absolute alcohol	3 961.25 ell of absolute alcohol	30
104.15	22.04	Wine of fresh grapes, including fortified wines; grape must, other than that of heading no. 20.09			35
	22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances			
.02		Sparkling wine	512.14 ell	512.14 ell	40
.04		Unfortified wine	171.53 ell	171.53 ell	
.06		Fortified wine	316.67 ell	316.67 ell	
104.17	22.06	Other fermented beverages, (for example, cider, perry and mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included:			45
.05		Traditional African beer as defined in Additional Note I to Chapter 22	7.82 ell	7.82 ell	50
.15		Other fermented beverages, unfortified	198.05 ell	198.05 ell	
.17		Other fermented beverages, fortified	401.88 ell	401.88 ell	
.22		Mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages	198.05 ell	198.05 ell	55
.90		Other	401.88 ell	401.88 ell	
104.20	22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 per cent volume or higher; ethyl alcohol and other spirits, denatured, of any strength			60

Aanhangsel II

WYSIGING VAN BYLAE NO.1 BY DIE DOEANE EN AKSYNSWET, 1964

(Artike176)

Tariefitem	Tariefpos	Beskrywing	Skaal van reg		
			Aksyns	Doeane	
104.00		Bereide voedsels; drank, spiritus en asyn: tabak			5
104.01	19.01	Mout ekstrak; voedsel bereidinge van meelblom, gort, meelstysel of moutekstrak, wat nie kakao bevat nie of wat minder as 40 persent volgens massa van kakao bevat, bereken op 'n totale ontvette basis, nie elders vermeld of ingesluit nie; voedsel bereidinge van goedere van poste 04.01 tot 04.04, wat nie kakao bevat nie of wat minder as 5 persent volgens massa bereken op 'n totale ontvette basis bevat nie elders vermeld of ingesluit nie			10 15 20
.10		Tradisionele Afrikaanse bierpoeier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 19	34.7 c/kg	34.7 c/kg	
104.10	22.03	Bier van mout gemaak			25
.10		Tradisionele Afrikaanse bier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 22	7.82 ell	7.82 ell	
.20		Ander	3 961.25 ell absolute alkohol	3 961.25 ell absolute alkohol	30
104.15	22.04	Wyn van vars druive, met inbegrip van gefortifiseerde wyne; druiewinos (uitgesonderd dié van pas 20.09)			35
	22.05	Vermoel en ander wyn van vars druive mel plante of ander aromatiese stowwe gegee			
.02		Vonkelwyn	512.14 ell	512.14 ell	
.04		Ongefortifiseerde wyn	171.53 ell	171.53 ell	40
.06		Gefortifiseerde wyn	316.67 ell	316.67 ell	
104.17	22.06	Ander gegiste drank (byvoorbeeld, appelsider, peersider, meel); mengsels van gegiste drank en mengsels van gegiste drank en nie-alkoholiese drank, nie elders vermeld of ingesluit nie:			45
.05		Tradisionele Afrikaanse bier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 22	7.82 ell	7.82 ell	50
.15		Ander gegiste drank, ongefortifiseerd	198.05 ell	198.05 ell	
.17		Ander gegiste drank, gefortifiseerd	401.88 ell	401.88 ell	
.22		Mengsels van gegiste drank en mengsels van gegiste drank en nie-alkoholiese drank	198.05 ell	198.05 ell	55
.90		Ander	401.88 ell	401.88 ell	
104.20	22.07	Ongedenatureerde etielalkohol met 'n alkoholiese sterkte by volume van minstens 80 persent volgens volume; etielalkohol en ander spiritus, gedenatureer, van enige sterkte:			60

Tariff Item	Tariff Heading	Description	Rate of duty		
			Excise	Customs	
	22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 per cent volume; spirits, liqueurs and other spirituous beverages:			5
.10		Wine spirits, manufactured by the distillation of wine	6100.71 ell of absolute alcohol	6100.71 ell of absolute alcohol	10
.15		Spirits, manufactured by the distillation of any sugar cane product	6100.71 ell of absolute alcohol	6100.71 ell of absolute alcohol	15
.25		Spirits, manufactured by the distillation of any grain product	6100.71 ell of absolute alcohol	6100.71 ell of absolute alcohol	20
.29		Other spirits	6100.71 ell of absolute alcohol	6100.71 ell of absolute alcohol	25
.40		Liqueurs and other spirituous beverages	6100.71 ell of absolute alcohol	6100.71 ell of absolute alcohol	30
104.30	24.02	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes			35
.10		Cigars, cheroots, and cigarillos, of tobacco or of tobacco substitutes	164057.97 clkg	164 057.97 c/kg	40
.20		Cigarettes, of tobacco or of tobacco substitutes	307.82 clkg cigarettes	307.82 ell cigarettes	45
104.35	24.03	Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences:			50
.10		Cigarette tobacco and substitutes thereof	16483.51 clkg net	16483.51 clkg net	55
.20		Pipe tobacco and substitutes thereof	8738.60 clkg net	8738.60 clkg net	60

Tariefitem	Tariefpos	Beskrywing	Skaal van reg		
			Aksyns	Doeane	
	22.08	Ongedenatureerde etielalkohol met 'n alkoholiese sterkte by volume van minder as 80 persent volgens volume; spiritus, likeure en ander spiritus drankes:			5
.LO		Wynspiritus, vervaardig deur die distilleerder van wyn	6100.71 ell absolute alkohol	6100.71 ell of absolute alkohol	10
.15		Spirit, vervaardig deur die distilleerder van enige suikerrietprodukt	6100.71 ell absolute alkohol	6100.71 ell absolute alkohol	15
.25		Spirit, vervaardig deur die distilleerder van enige graanprodukt	6100.71 ell absolute alkohol	6100.71 ell absolute alkohol	20
.29		Ander spirit	6100.71 ell absolute alkohol	6100.71 ell absolute alkohol	25
.40		Likeure en ander spirit drankes	6100.71 ell absolute alkohol	6100.71 ell absolute alkohol	30
104.30	24.02	Sigare, seroete, sigarettos en sigarette, van tabak of van tabaksurrogate:			35
.10		Sigare, seroete en sigarettos, van tabak of van tabaksurrogate	164057.97 clkg net	164057.97 c/kg net	40
.20		Sigarette, van tabak of van tabaksurrogate	307.82 ell sigarette	307.82 ell sigarete	45
104.35	24.03	Ander bewerkte tabak en bewerkte tabaksurrogate; "gehomogeniseerde" of "hersaamgestelde" tabak; tabakekstrakte en essense			
.10		Sigarettabak en surrogate daarvan	16483.51 clkg net	16483.51 clkg net	50
.20		Pyptabak en surrogate daarvan	8738.60 e/kg net	8738.60 clkg net	55

Appendix III*Transitional Diamond Export Levy Provisions**(Sections 114 and 115)**Definitions*

1. For purposes of this Schedule, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Diamonds Act, 1986 (Act No. 56 of 1986), or the Diamonds Amendment Act, 2005 (Act No. 29 of 2005), bears the meaning so assigned. 5

Exemption from Export Duty

2. Section 63 of the Diamonds Act, 1986 (Act No. 56 of 1986), is hereby amended- 10

(a) by the deletion of subsection (I)(a)(ii); and

(b) by the insertion after paragraph (c) of subsection (1) of the following paragraphs:

"(d) if that diamond is exported by a person that has allocated or offered its unpolished diamonds pursuant to an agreement in terms of section 59 in force before the date of coming into operation of the Diamonds Second Amendment Act, 2005 (Act No. 30 of 2005); or 15
(e) in respect of an unpolished diamond of a person other than a person described in paragraph (d), if that exported unpolished diamond has been previously offered but not sold at a diamond exchange and export centre." 20

Extension of former section 59 agreements

3. Section 31 of the Diamonds Amendment Act, 2005 (Act No. 29 of 2005), is hereby amended by the substitution for subsection (9) of the following subsection: 25

"(9) Any-

- (a) certificate, permit, license, exemption or any form of authorisation issued before the date on which section 4 of this Act takes effect (other than exemption or certificate of exemption described in paragraph (b)) continues in force for a period not exceeding one year as from that date, subject to the terms and conditions under which it was granted or issued or was deemed to have been granted or issued; or 30
- (b) exemption (or certificate of exemption) described in section 63 of the Diamonds Act, 1986 (Act No. 56 of 1986), continues in force until a date fixed by the Minister of Finance by notice in the Gazette, subject to the terms and conditions under which it was granted or issued or was deemed to have been granted or issued. 35

Aanhangsel III*Oorgangsbepalingsvir Diamantuitvoerheffing**(Artikels 114 en 115)**Woordomskrywing*

1. By die toepassing van hierdie Aanhangsel, tensy uit die samehang anders blyk, dra enige woord of uitspraak waaraan 'n betekenis in die Wet op Diamante, 1986 (Wet No. 56 van 1986), of die Wysigingswet op Diamante, 2005 (Wet No. 29 van 2005), geheg is, die betekenis aldus daaraan geheg. 5

Vrystelling van Uitvoerbelasting

2. Artikel 63 van die Wet op Diamante, 1986 (Wet No. 56 van 1986), word hierby 10
gewysig-

- (a) deur subartikel (I)(a)(ii) te skrap; en
- (b) deur die volgende paragraaf na paragraaf (c) van subartikel (1) by te voeg:
 - "(d) indien daardie diamant dem 'n persoon uitgevoer word wat sy 15
ongeslypte diamante na aanleiding van 'n ooreenkoms ingevolge
artikel 59, van krag voor die datum van inwerkingtreding van die
Tweede Wysigingswet op Diamante, 2005 (Wet No. 30 van 2005),
toegewys of aangebied het; of
 - (e) ten opsigte van 'n ongeslypte diamant van 'n persoon, anders as 'n 20
 persoon beskryf in paragraaf (d), indien daardie uitgevoerde 20
ongeslypte diamant vantevore op 'n diamantbeurs en
uitvoersentrum aangebied is, maar nie verkoop is nie."

Uitbreiding van voormalige artikel 59 ooreenkomste

3. Artikel 31 van die Wysigingswet op Diamante, 2005 (Wet No. 29 van 2005), word 25
hierby gewysig deur subartikel (9) deur die volgende subartikel te vervang:

- "(9) Enige=
- (a) sertifikaat, permit, lisensie, vrystelling of enige ander vorm van magtiging
uitgereik voor die datum waarop artikel 4 van hierdie Wet in werking tree,
(andels as 'n vrystelling of sertifikaat van vrystelling beskryf in paragraaf (b)).
bly van krag vir 'n tydperk van hoogstens een jaar vanaf daardie datum, 30
onderworpe aan die bepalinge en voorwaardes waarkragtens dit toegestaan of
uitgereik of geag was toegestaan of uitgereik te gewees het; of
 - (b) vrystelling (of sertifikaat van vrystelling) beskryf in artikel 63 van die Wet op
Diamante, 1986 (Wet No. 56 van 1986), bly van krag tot en met 'n datum deur
die Minister van Finansies by kennisgewing in die Staatskoerant bepaal, 35
onderhewig aan die bedinge en voorwaardes ingevolge waarvan dit
toegestaan of uitgereik is of geag is toegestaan of uitgereik te gewees het."